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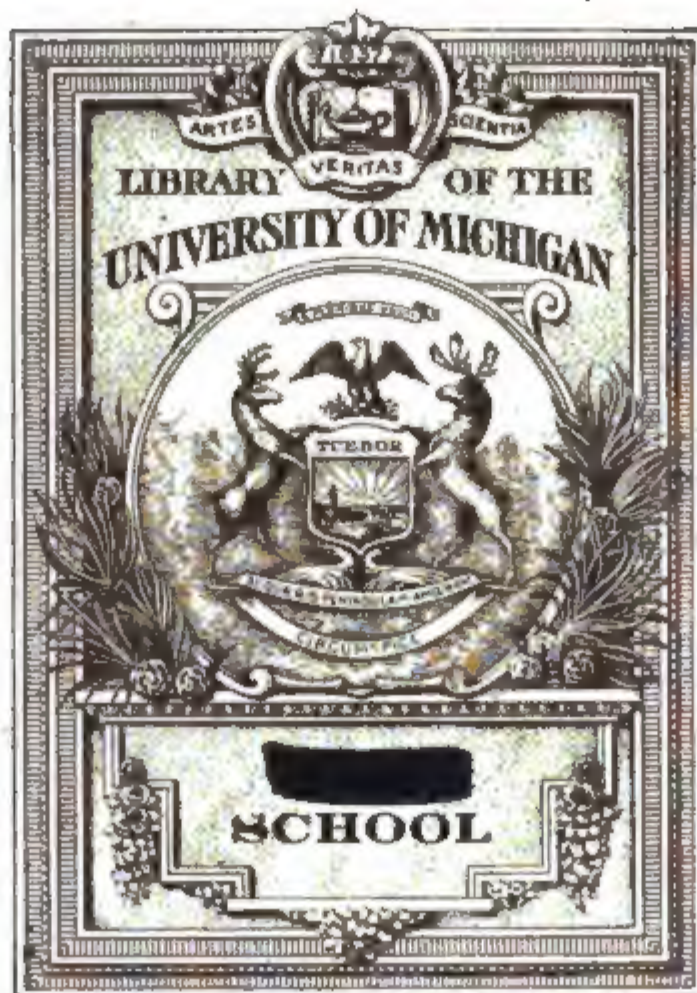
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STATE OF NEW YORK

TWELFTH ANNUAL REPORT

OF THE

PUBLIC SERVICE COMMISSION

SECOND DISTRICT

FOR THE YEAR ENDED DECEMBER 31, 1918

COMMISSIONERS

CHARLES B. HILL, Chairman ¹

FRANK IRVINE

JOHN A. BARHITE

THOMAS F. FENNELL ²

JEROME L. CHENEY ³

SEYMOUR VAN SANTVOORD, Chairman ⁴

WILLIAM TEMPLE EMMET ⁵

JAMES O. CARR ⁶

¹Appointed February 25, 1918, vice Van Santvoord, term expired; designated
Chairman by the Governor February 25, 1918.

²Appointed February 20, 1918, vice Carr, resigned.

³Appointed April 16, 1918, vice Emmet, deceased.

⁴Resigned, effective February 1, 1918.

⁵Died February 4, 1918.

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LETTERS OF TRANSMITTAL

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,

ALBANY, *January 13, 1919.*

HONORABLE HARRY C. WALKER, *Lieutenant Governor, Albany,
N. Y.:*

SIR: I have the honor to transmit herewith the Annual Report of the Public Service Commission, Second District, for the year 1918.

Very respectfully,
CHARLES B. HILL,
Chairman.

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,

ALBANY, *January 13, 1919.*

HONORABLE THADDEUS C. SWEET, *Speaker of the Assembly,
Albany, N. Y.:*

SIR: I have the honor to transmit herewith the Annual Report of the Public Service Commission, Second District, for the year 1918.

Very respectfully,
CHARLES B. HILL,
Chairman.

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,

ALBANY, *January 13, 1919.*

HONORABLE ALFRED E. SMITH, *Governor, Albany, N. Y.:*

SIR: I have the honor to transmit herewith the Annual Report of the Public Service Commission, Second District, for the year 1918.

Very respectfully,
CHARLES B. HILL,
Chairman.

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION, SECOND DISTRICT

To the Legislature:

The abnormal economic conditions which were precipitated by a condition of war affected profoundly the public utility corporations of the State of New York, and the year just closed has naturally been one of unusual stress and anxiety on the part of this Commission. It is a matter of common knowledge that the Federal Government, as the war progressed, took over unto itself the operation of the railroads, and assumed a certain control of the operation of the express companies and the telegraph and telephone companies. This action was based on the supreme power of the Federal Government in time of war, the crisis of which has now passed. Rather than relieving the burdens of the Commission, war activities have increased them. While matters brought to the attention of the Commission have been somewhat fewer in number, they have increased in importance and difficulty, which condition promises to continue until a permanent status is reached.

We think it can fairly be said that the important regulative work of the past years of the Commission has demonstrated itself to have been of the greatest usefulness in bringing about, to the extent of the Commission's legal powers, by means of sound financing, publicity and uniformity of accounting, and constant watchfulness of service, a general condition on the part of the corporations under our jurisdiction which has enabled them, with few exceptions, to continue their functions in a manner which has for the most part been satisfactory to the public. At the same time, the acid test imposed has brought into strong relief what we regard as certain defects in the Public Service Commissions Law which should receive the immediate attention of the Legislature.

Perhaps the most conspicuous of the abnormal conditions referred to was the action of the Federal War Labor Board in granting very large increases in wages to the employees of public

service corporations. These increases, together with accompanying advances in the costs of fuel and structural materials of all kinds, added greatly to the expenses of such companies, and the Commission was called upon promptly to give its approval to increased rates. These demands were in general indorsed by President Wilson and by the War Labor Board, and the Commission responded as well as lay within its power, where the actual need was demonstrated by evidence after a hearing. Great confusion resulted, however, in a large number of cases, from the fact that the Legislature had not conferred upon the Commission the requisite power to give relief. It became plain that while adequate power over service had been conferred, together with plenary power to reduce rates, there was lacking a corresponding power to increase rates.

We do not believe that the local authorities, as a rule, desire to retain in their hands this power; on the contrary, a very large number of such bodies have put into effect during the current year amendments to local charters which voluntarily transferred to the Commission the power which it required.

Nothing is clearer than that a public service corporation, in order to render an adequate and satisfactory service, must receive a compensation therefor which will enable it so to do. The Commission is in terms vested with adequate power, under the several articles of the Public Service Commissions Law, to require adequate service. It is vested in terms with the power to reduce rates if it finds after investigation that they are excessive. But in the case of the street railroads, whose maximum fare is fixed by franchise agreement or condition, it was held by the Court of Appeals in *Matter of Quinby v. Public Service Comm.*, 223 N. Y. 244, decided April 5, 1918, that the Commission is without power to increase a rate so fixed, no matter how great the need therefor may be in justice and in fact. A similar ruling has been made by the Court of Appeals in *Matter of International Ry. Co. v. Rann*, 224 N. Y. 83, where the maximum fares in the city of Buffalo are fixed at five cents by the terms of the so called Milburn Agreement. The Commission has never made any investigation as to the insufficiency of the five-cent fare in Rochester or in Buffalo, having been prevented from so doing by the issue

of a writ of prohibition in the Rochester case, and by the knowledge of the decision of the Court of Appeals in the Buffalo case. Perhaps an investigation would disclose that the existing fares are sufficient; on the contrary, it might show that they are insufficient. In the case of the International Railway, which operates trolley lines in Buffalo and vicinity, the company claims that it is on the verge of bankruptcy by reason of insufficient fare, and there has been much local agitation concerning this claim. By reason of the decision in the *Quinby* case, however, there is apparently no authority or tribunal possessed of power to fix and determine a just rate of fare. In the *Saratoga Gas Case*, 191 N. Y. 123, it was held by the Court of Appeals that the gas and electricity act of 1905 was unconstitutional for want of mutuality — that gas consumers might apply for a *reduction* of rates, while gas corporations might not apply for an *increase* of rates under like circumstances. Chief Judge Cullen, writing for the Court of Appeals, said —

. . . By the terms of the statute the only persons authorized to make complaint are certain municipal officers or one hundred or more customers or purchasers of gas or electricity. No opportunity or right is given to the corporation to apply, at the end of three years or at any time thereafter, for a new adjustment of the rates. That right is limited solely to the municipal officials or consumers. . . . It seems to us that this is a real case violating the inhibition of the fourteenth amendment to the Federal Constitution: "No state shall deny to any person within its jurisdiction the equal protection of the laws." . . . By the enactment of this statute the legislature intended to establish permanently a tribunal for the adjustment and determination of conflicting claims of consumers and corporations as to what were reasonable rates to be charged, and the validity of the statute must be decided, not on the possibility or probability of its repeal, in which it differs in no degree from other statutes, but on the statute itself. . . . What we do hold is that a statute of the character of the one before us to be valid must confer equal rights on both parties, the consumers and the companies. (*Saratoga Gas Case*, 191 N. Y., at pp. 149-151.)

It was held by the Appellate Division, First Department, in *People ex rel. Bridge Operating Co. v. P. S. Com.*, 153 A. D. 129, that the Public Service Commission for the First District was vested with jurisdiction to determine that a three-cent fare, provided for in a contract between the trustees of the New York and Brooklyn Bridge and the Bridge Operating Company for a period of ten years, was excessive and should be reduced. But

it is evident from the decision of the Court of Appeals in the *Quinby* case, that if the fare had turned out to be insufficient, the Commission would have been without authority to increase it.

The Commission is excluded, by the decision of the Court of Appeals in *People ex rel. Municipal Gas Co. v. P. S. Comm.*, 224 N. Y. 156, from the power to increase a rate for gas which has been fixed by statute. The Commission is not warranted in stating, from any investigation it has made, that the statutory rate for gas in the city of Albany is insufficient under existing conditions, but it has been obliged to dismiss without investigation the complaint of the Municipal Gas Company that such is the fact.

The Court of Appeals has this day [January 7th] decided, however, that although the statute in question precludes the Commission from any power to increase the rate beyond the statutory limit, the Supreme Court has power, upon a showing that the rate limited by the statute fails to yield a fair return, to pronounce the statute unconstitutional and void. This state of the law creates an anomalous condition concerning rates thus limited by statute, the control over which the Legislature has not delegated to the Public Service Commission. In such a case neither the Commission nor the court has power to prescribe a rate; and the company itself is left with power to fix its own rate, at least tentatively. These embarrassing conditions can be eliminated only by act of the Legislature.

It is immaterial whether a public service corporation is prevented from charging an adequate rate by a statute, by a franchise condition, or by an independent agreement between the corporation and the municipal authorities. The Public Service Commissions Law ought to be sufficiently broad to cover all questions both of rates and service.

It was undoubtedly the intention of the Legislature to provide in the Public Service Commissions Law for tribunals having the character, the ability, and the facilities to determine the complaints, not only of consumers and patrons of the various public service corporations as to inadequacy and insufficiency of service, or undue profiteering in the rendition of service, or discrimination between individuals, and the like, but recognizing

that public service corporations have legal and business rights, to afford them also a tribunal which should impartially inquire and if necessary give relief by way of increased rates.

It is true that to a certain extent the incomplete and defective jurisdiction of the Commission has been supplied by the waiver by certain cities and villages of franchise conditions, and by voluntary submission to the arbitration of the Commission. These, however, are but temporary and makeshift devices, and in the judgment of the Commission neither it, nor the municipalities, nor the public service corporations, ought to be left to any such expedients. To carry a passenger, to transport property, to furnish a householder with light or heat, or with the means of communication by telegraph or telephone, is to render a useful and legitimate, in fact an indispensable, service. To be able to receive an adequate compensation therefor is not only a matter of justice and fair play but a matter of necessity. Unduly to profiteer in the rendering of any such service is an evil which should be prevented, and the Legislature has adequately provided for such prevention. But the Legislature has not provided reciprocally for needs which must arise for increased compensation.

Another defect in the laws to which we invite your attention is the power of lighting and telephone companies to effect increases in rates on thirty days' notice, regardless of whether or not complaints against such increased rates have been adjudicated upon by the Commission. We suggest that proposed increases in rates of such companies should be brought into line with the provisions which now govern railroad rates, whereby the Commission has power to suspend the proposed increases until it has heard and determined complaints which may have been made against them.

A third defect which we think should be supplied is the clothing of the Commission with power to order reparation where an overcharge has been made by a public service corporation. This power is enjoyed by the Interstate Commerce Commission, and should be possessed by every regulating body. In the present state of the law, the wronged customer is relegated to the courts for relief unless the corporation volunteers reimbursement.

Still another subject for legislative consideration is presented by a recent decision of the Court of Appeals, *People ex rel. N. Y. R. Co. v. Pub. Serv. Comm.*, 223 N. Y. 373, to the effect that the Commissions are without authority to require a corporation subject to their control to set aside from its operating revenues a specified amount to be credited to an account called "Accrued Amortization of Capital," which includes depreciation reserve: that is to say, a reserve from revenues for the purpose of replacing worn-out or obsolete instrumentalities. It is scarcely open to argument that the Commission can not perform its duty of requiring public service corporations constantly to maintain facilities safe and adequate for the public service unless it may require, certainly before the payment of dividends and probably before the payment of interest, the setting up of an adequate reserve for replacements. Legislation which may confer upon the Commission such power is urgently recommended.

SUMMARY OF APPLICATIONS AND COMPLAINTS RECEIVED AND DISPOSED OF

	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	1918
Number formal complaints.....	252	532	345	330	312	315	312	353	155	158	180
Number correspondence complaints...	1,147	1,088	1,452	1,713	2,227	2,158	1,726	1,352	1,327	1,330	1,002
Total number complaints received....	1,399	1,620	1,797	2,043	2,539	2,473	2,038	1,705	1,482	1,488	1,182
Applications from corporations (issue of securities, rates, etc.)	207	225	262	278	314	369	325	292	320	288	200
Total number complaints and applications.....	1,606	1,845	2,059	2,321	2,853	2,842	2,363	1,997	1,802	1,776	1,384
Total for eleven years.....											22,846
Orders of the Commission to show cause, etc., 1918.....											29
Formal complaints disposed of.....											119
Correspondence complaints disposed of.....											1,015
Applications disposed of.....											221
Orders of the Commission to show cause, etc., disposed of.....											17

The number of auto bus applications received during the year was 24, divided as follows: applications for convenience and necessity 17; applications to issue stock 7. The number of applications granted was 19; 1 application was closed due to withdrawal; 1 application was denied because further competition in localities

already sufficiently served would be detrimental to service; and 3 applications are pending. In addition, there was one order to show cause.

EXPENSES OF THE COMMISSION

The expenses of the Commission from its inception to June 30, 1918, have been as follows:

July 1, 1907, to September 30, 1908.....	\$307,734.06
October 1, 1908, to September 30, 1909.....	276,575.41
October 1, 1909, to September 30, 1910.....	295,443.08
October 1, 1910, to September 30, 1911.....	342,739.47
October 1, 1911, to September 30, 1912.....	372,323.04
October 1, 1912, to September 30, 1913.....	373,068.21
October 1, 1913, to September 30, 1914.....	405,955.22
October 1, 1914, to September 30, 1915.....	438,056.79
October 1, 1915, to June 30, 1916 (nine months).....	296,461.01
July 1, 1916, to June 30, 1917.....	378,524.66
July 1, 1917, to June 30, 1918.....	381,902.56
Appropriations for fiscal year commencing June 30, 1918.....	422,355.00
Request submitted to proper state authorities for the fiscal year to commence July 1, 1919.....	453,069.50

As explained in previous reports, the increase in expenses during the years ended September 30, 1914, and September 30, 1915, was due to the cost of the investigation of the properties, affairs, and rates of charges of the New York Telephone Company within the city of New York, the regular expenses of the Commission aside from that extraordinary item during these years having been \$398,033.02 and \$402,564.37 respectively. For purposes of comparison there may be added to the \$296,461.01 reported for the nine months ended June 30, 1916, the sum of \$88,774.51, representing expenses during the months of July, August, and September, developing a total for the twelve months' period of \$385,235.52.

Expenses for the year ended June 30, 1918, include \$14,468.89, representing payments by the State Comptroller for printing the annual reports of the Commission. Items of this character have heretofore been classed as legislative printing, and therefore not included as a part of the operating cost of the Commission.

The foregoing does not include the estimated amount of the State's share of expenses incurred in grade crossing eliminations ordered by the Commission, nor does it include the amount actually expended for such purposes. The 1918 Legislature appropriated \$100,000 for the continuation of grade crossing elimination work.

CORPORATIONS UNDER JURISDICTION

December 31, 1918, the Commission had upon its records the names of 973 corporations, municipalities, and unincorporated persons engaged in serving the public in some capacity, or incorporated or organized for the purpose of rendering such service. They are classified as follows:

<i>Steam Railroad Corporations</i>		
Operating.....	59	
Not operating, either inchoate or dormant.....	11	
Not operating, lessor.....	65	
	<hr/>	135
<i>Street Railroad Corporations</i>		
Operating.....	69	
Not operating, either inchoate or dormant.....	6	
Not operating, lessor.....	20	
	<hr/>	95
<i>Express Companies</i>		
Operating.....	5	
Not operating, lessor.....	1	
	<hr/>	6
<i>Sleeping Car Company</i>		
Operating.....	1	
	<hr/>	1
<i>Baggage Companies and Transfer Companies</i>		
Operating.....	70	
	<hr/>	70
<i>Stage Coach Corporations</i>		
Operating.....	75	
	<hr/>	75
<i>Stock Yard Company</i>		
Operating, unincorporated person.....	1	
	<hr/>	1
<i>Freight Terminal Corporation</i>		
Not operating, either inchoate or dormant.....	1	
	<hr/>	1
<i>Electrical Corporations</i>		
Operating.....	189	
Operating, unincorporated persons.....	71	
Operating, municipalities.....	56	
Not operating, either inchoate or dormant.....	10	
Not operating, lessor.....	7	
	<hr/>	333
<i>Coal Gas or Water Gas Corporations</i>		
Operating.....	26	
Operating, unincorporated persons.....	4	
Operating, municipality.....	1	
Not operating, lessor.....	1	
	<hr/>	32
<i>Coal Gas or Water Gas and Electrical Corporations</i>		
Operating.....	40	
Not operating, either inchoate or dormant.....	1	
	<hr/>	41
<i>Natural Gas Corporations</i>		
Operating.....	42	
Operating, unincorporated persons.....	5	
Not operating, either inchoate or dormant.....	2	
Not operating, lessor.....	1	
	<hr/>	50

TWELFTH ANNUAL REPORT, FOR YEAR 1918

xv

<i>Electrical and Natural Gas Corporations</i>		
Operating.....	2	
	<hr/>	2
<i>Coal Gas and Natural Gas Corporation</i>		
Operating.....	1	
	<hr/>	1
<i>Electrical, Coal Gas, and Natural Gas Corporation</i>		
Operating.....	1	
	<hr/>	1
<i>Acetylene Corporations</i>		
Operating.....	8	
Operating, unincorporated persons.....	5	
Operating, municipalities.....	2	
	<hr/>	15
<i>Gasoline Gas Corporations</i>		
Operating.....	7	
	<hr/>	7
<i>Steam Corporations</i>		
Operating.....	9	
Operating, unincorporated persons.....	1	
	<hr/>	10
<i>Telephone Corporations</i>		
Operating.....	101	
Operating, unincorporated persons.....	7	
Not operating, either inchoate or dormant.....	2	
	<hr/>	110
<i>Telegraph and Cable Corporations</i>		
Operating.....	4	
	<hr/>	4
		<hr/>
		990
Less duplication on account of corporations which make separate reports in two or more classes of operations or for distinct properties.....		17
		<hr/>
Total.....		973

DIVISION OF STATISTICS AND ACCOUNTS

As in previous years, the main duty of this Division has been to exercise supervision over the accounting practices of public utility corporations so far as practicable by examination and criticism of their annual reports, and to prepare abstracts from these reports for the information of the public.

The plan adopted last year of dividing the examination of the annual reports into two parts: a comparatively brief preliminary examination for the purpose of catching most of the errors which might be seriously misleading if published; and a later examination, after the abstracts have been prepared for publication, to correct the less important mistakes or omissions as well as improper accounting practices which might be evidenced by the reports, has been followed the past year. As explained in the Commission's report for 1917, the purpose of this plan is to enable the Division to have its statistical volumes available for publication earlier than would be possible if complete examinations should be made before the preparation of the abstracts were begun.

As in the previous year, the forms of the annual reports for steam railroads, express, and sleeping car companies, which are supplied by the Interstate Commerce Commission to all state commissions that request them, were received by this Commission long after they should have been sent out to the individual companies. The returns were of course correspondingly delayed. The work of the Division has also suffered considerably during the year by reason of the absence of experienced employees, chiefly on account of conditions arising out of the war.

In view of the fact that a large number of the more important steam railroads are under government management, and in order to save expense in printing, it has been decided to cut down considerably the amount of information with regard to steam railroads given in the published abstracts for 1917, and also to discontinue for the present the publication of abstracts of quarterly reports for both steam and electric railroads. This is in line with the principles of war-time conservation and economy under which industries in general are operated.

The adaptation of the Interstate Commerce Commission Uniform System of Accounts for Electric Railroad Corporations

which was prepared by this Division has been formally adopted by the Commission and served upon the corporations concerned. This will bring the accounting requirements of this Commission into very close conformity with those of the Interstate Commerce Commission and of the large majority of the other state commissions.

The Division has successfully continued its services as a source of reliable information concerning public service corporations. During the year, 207 visitors signed receipts for the examination of reports of corporations at the office of the Commission. In addition, the Division answered numerous inquiries by mail or in person, and supplied many copies or abstracts of annual and other reports.

Section 46 of the law, relating to the reports of common carriers, recites that blank report forms shall be furnished to the corporations on or before June 30th of each year, and that the reports shall be filed with the Commission not later than September 30th. It further states that "The contents of such report and the form thereof shall conform in the case of railroad corporations as nearly as may be to that required of common carriers under the provisions of the act of Congress entitled 'An act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, and the acts amendatory and supplementary thereto". At the time the law was passed, the Interstate Commerce Commission was requiring reports from common carriers for the year ending June 30th, and it was the evident intent of the law that this Commission should require reports for the same period. November 24, 1916, the Interstate Commerce Commission issued an order changing the fiscal and reporting year for all common carriers to the calendar year. This Commission felt compelled to fall into line, and soon after issued a similar order. Shortly thereafter the State Board of Tax Commissioners made the calendar year the fiscal and reporting year for all corporations required to make annual reports to it. In order to make the language of the statute correspond more nearly with its evident intent, the law should be amended either to make the calendar year the fiscal and reporting year for common carriers, or to give the Commission discretion as to the period to be covered by the annual reports.

There are certain other amendments to the statutes, the desirability of which has been pointed out by this Division for a number of years, which would eliminate some troublesome formal requirements having no practical value. Repetition of the arguments for the proposed changes would be useless here, but the changes themselves are summarized for the fifth successive time, as follows:

(a) Amendments giving the Commission discretion in the matter of requiring annual reports.

(b) Amendments giving the Commission wider discretion as to the form of verification of annual reports.

(c) Amendments to sections 66 and 80 of the Public Service Commissions Law eliminating the specific requirements of certain things to be contained in the annual reports of light, heat, and power plants, and leaving to the Commission the power to prescribe the form of the report under general directions like those in the corresponding sections of the law with reference to reports of common carriers and of telephone and telegraph companies.

Comment on Appendices: Appendix A: As in former years, the Division has prepared a summary from the reports of the principal classes of utilities under the Commission's jurisdiction, showing certain significant totals of income and traffic for each year since the organization of the Commission. It is perhaps worth while to point out that such figures as are contained in these summaries must be used with a great deal of caution. No final conclusions as to the condition of any public utility group should be based on them alone. Their chief value is in the suggestions they may offer for further analysis of whatever tendencies they may appear to disclose. The reason for the caution should be obvious. The figures are compiled by adding the items given in the individual reports. No allowance is made for intercorporate relations, or for fluctuations in reported figures due merely, for example, to the fact that a corporation which previously operated both within and without the State has divested itself of its property outside the State and no longer includes such operations in its reports to the New York Public Service Commission. Again, the summary of the light, heat, and power companies includes only those companies which have annual

operating revenue of over \$25,000. Processes of consolidation, as well as the natural growth of the industry, bring more companies within this class each year. About 90 per cent of the electric and gas business in the State is carried on by companies having revenues of over \$25,000 per year, and the proportion of the total business done by companies within that class has a tendency to increase, since the business done by new companies with less than \$25,000 a year revenue is not enough to offset the business done by companies which through consolidation or natural growth are transferred to the larger group. It is particularly to be noted, that under all foregoing conditions, the fact that gross or net income of a given class of utilities shows a tendency to increase, by no means necessarily implies that the industry represented by such a class is increasingly prosperous. The converse of this is equally true. In other words, the net income of all the utilities in the State may have increased many fold during the past ten years, while at the same time the profit or return per unit of investment may be actually less at the end of the period than it was at the beginning. However, if the figures are used with due caution against misleading inferences which are not warranted by the facts, the tendencies indicated by the tables are interesting and significant. In the following paragraphs attention is called to the most suggestive variations shown by the figures.

Steam Railroad Corporations: The steam railroad mileage given, it must be borne in mind, shows mileage in New York State only; while the financial and statistical figures are for the entire roads, and thus include extensive operations outside of the State, only about 36 per cent of the total mileage of the reporting companies being within the State. Although the 1917 railway operating revenues are the largest reported in any year since the Commission was established, and show an increase of 8.8 per cent as compared with 1916, railway operating expenses and taxes show increases of 20.0 per cent and 21.7 per cent respectively, developing a decrease in railway operating income of 20.8 per cent. As would be expected, the operating ratio shows a very considerable increase (from 68.50 per cent in 1916 to 75.58 per cent in 1917), and has now reached the highest figure shown in

the table. Net corporate income for the year shows a decrease of 30.7 per cent, or about \$46,000,000. Traffic statistics indicate that passenger traffic increased proportionately more than freight traffic during the year, and that the individual passenger on the average traveled farther, and that freight on the average was hauled farther, in 1917 than in 1916. The large decrease in mileage during the year was due to the abandonment of practically all of the road formerly operated by the Wellsville and Buffalo Railroad Company, and to the discontinuance of the operation of its New York State properties by the New York and Pennsylvania Railroad Company.

Electric Railroad Corporations: In the case of the electric railroad corporations, the mileage given applies to New York state only, while the other figures include operations both within and without the State. Only about 12 per cent of the mileage of the reporting electric railroad companies is outside the State, as compared with 64 per cent in the case of the reporting steam railroad companies. Conditions analogous to those noted for steam railroads are also evident in the case of electric railroads. Railway operating revenues for 1917 show an increase of 6.1 per cent, while operating expenses and taxes show increases of 13.2 per cent and 8.8 per cent respectively, as compared with 1916. As a result, the railway operating income shows a decrease of 11.2 per cent, or \$1,073,000, and the operating ratio an increase of from 65.76 to 70.03 per cent, the latter, as in the case of steam railroads, being the highest ratio shown in the table. Decreases in the net revenue from other operations and in non-operating income, and increases in interest charges and in other deductions from gross income, develop a decrease of \$1,584,000 in the net corporate income. In spite however of the fact that the net income was only \$238,000, dividends of almost nine times that amount were declared, indicating that they continue to be paid from accumulated surplus. The number of fares and transfers and revenue car-miles were greater than in any previous year shown, fares and transfers again showing a greater increase than car-miles. The decrease in mileage is due chiefly to the abandonment of the road of the Catskill Traction Company.

Electrical Corporations and Gas Corporations: The returns

of the larger electrical corporations and gas corporations are summarized in four groups: those which do an electric business but no coal gas or water gas business, those which do both an electric and gas business, those which do a coal gas or water gas business but not an electric business, and those which are engaged in producing and distributing natural gas.

The first group shows a steady and continuous increase in revenues, expenses, taxes, and operating income. The sudden decrease from 1916 to 1917 in non-operating income is due chiefly to the fact that the Niagara Falls Power Company reported a profit of \$522,176 from the Canadian-Niagara Power Company in 1916 and none in 1917.

For the corporations which conduct both electric and gas operations, the same general tendencies are apparent as for those which engaged in electric operations alone. It is noticeable that whereas the 1917 electric operating income of these companies shows an increase of about \$13,000 over 1916, the gas operating income shows a decrease of nearly \$538,000.

As in the case of the gas department of the electric and gas corporations, the coal gas and water gas corporations show an increase in operating revenues, but greater increases in operating expenses and taxes, developing a decrease in operating income in 1917 as compared with 1916 of over \$262,000. Although the table for the first time shows a net loss for the year, dividends of about \$97,000 were declared, indicating that for the fourth successive year the accumulated surpluses of these companies have been reduced. During the year, William J. Judge purchased the property of the Buffalo Gas Company, but assumed none of the funded debt of the corporation. This explains the decrease in interest charges noted in 1917.

The natural gas corporations appear to have had a very prosperous year, and for the first time operating revenues, operating income, gross income, and net income are all greater than in 1912, the last year which included the operations of the Pennsylvania properties of the United Gas Company, afterward transferred to a Pennsylvania corporation. The large dividends in 1916 included a \$2,400,000 stock dividend declared by the Pennsylvania Gas Company.

Telephone Corporations: Although 1917 shows an increase in operating revenues of \$10,000,000 over 1916, this is more than counter balanced by increases in operating expenses and taxes, as a result of which operating income shows a decrease of about \$657,000. The increase in taxes is particularly striking, being about 68 per cent over 1916. Large increases are also noted in non-operating income and in interest charges.

Appendix B: The study of comparative fuel costs has been continued, but for 1917 and thereafter it is the intention to confine it to the preceding five years. The first year for which such figures were tabulated was 1911, and the figures for that year and for 1912 may be found in the annual reports of the Commission from 1913 to 1916 inclusive. It is interesting to note that of the 42 companies for which both 1916 and 1917 figures are given in this study, 26 show an increased coal consumption per kilowatt hour in 1917 as compared with 1916, while only 16 show a decreased coal consumption. As a consequence, the average coal consumption per kilowatt hour is greater in 1917 than in 1916 for corporations generating electricity largely by steam power and for corporations generating electricity largely by hydraulic power. This may be due in part to the use of a poorer quality of coal by the companies concerned. In the case of companies purchasing more than 50 per cent of the electricity sold, the decrease in coal consumption is so marked (4.92 to 2.68 pounds per kilowatt hour) that in spite of a 50 per cent increase in the cost of coal used, the average fuel cost shows a decrease from 73 cents to 60 cents. An analysis of the individual returns shows that this good showing is due to increase in efficiency and marked increase in output of the plants of the Niagara, Lockport and Ontario Power Company and Buffalo General Electric Company, particularly the latter, which generated nearly forty times as much current by steam power in 1917 as it did in 1916, and showed the least coal consumption per kilowatt hour of any company included in the study. These two plants generated 41.4 per cent of the total current generated by the 45 companies included in the study, at an average cost of 44 cents per kilowatt hour generated and used therefor an average of 2.03 pounds of coal per kilowatt hour, as compared with an average of 1.03 cents and 4.15 pounds per kilowatt hour for the other 43 companies.

In spite of the increase in efficiency and output of these two plants, which resulted in a decrease in coal consumption per kilowatt hour from 3.87 pounds to 3.28 pounds in the averages for all companies included in the study, the increase in the average price per ton of coal was so great (\$3.08 to \$4.80) that the average cost per kilowatt hour increased from 60 cents to 79 cents. If there had been no change in the efficiency or output of these two plants, the average coal consumption and average cost per kilowatt hour would have been 4.04 pounds and 98 cents respectively, as compared with 3.28 pounds and 79 cents shown this year, and 3.87 pounds and 60 cents shown last year.

DIVISION OF CAPITALIZATION

Previous annual reports of this Division have been devoted in part to a discussion of the fundamental principles which guided the Division in its work. It is not the purpose here to repeat what has been said in other years, except to state that fundamentally the work has proceeded in conformity with the general plans heretofore followed except for modifications resulting from conditions peculiar to a particular situation. Instead, it is the purpose merely to refer to some of the outstanding characteristics of and incidental features attendant upon the unusual period through which the Nation is passing.

This has been a war year, and the corporations subject to the jurisdiction of the Commission have been seriously affected by the economic situation which existed therein. This has reacted upon and in some important particulars altered the character of this Division's activities.

The number of new or initial petitions filed by companies asking for authority to issue capital securities has decreased, the decrease being principally in the number of applications filed by railroad corporations. The operation of the properties of this class was taken over by the Federal Government as of January 1, 1918, and as a result the Government itself has in many cases raised and advanced the capital which must always flow into utility companies. The relief thus afforded however is probably only temporary in its character, and a more permanent financial structure will probably have to be created if and when these properties revert to their owners. The decrease in the number of petitions filed by public utility corporations which did not come under federal government control, while not so marked as in the cases of the industries which were taken over, was evident nevertheless. The generally unsettled condition of the financial market and the absorption of many billions of dollars by the Liberty Loans furnish the answer to this. The only financing which was done in the past year by these companies was that which was urgently necessary, either to maintain the integrity of the credit of a corporation as in the case of providing for maturing obligations, or in instances where it was necessary to create and to put

into operation new and additional facilities to serve so called essential industries. Following is a table which shows by years the number of new petitions filed since the inception of the Commission.

1907 (six months).....	40	1913.....	124
1908.....	81	1914.....	94
1909.....	97	1915.....	98
1910.....	100	1916.....	126
1911.....	138	1917.....	117
1912.....	111	1918.....	84

While there has been, as above stated, a decrease in the number of new or initial petitions filed with the Commission in capitalization cases, there has been a very marked and more than compensating increase in the number of cases in which the Commission has been asked to reopen its prior determinations and either to modify the form of relief granted in prior years or to substitute other relief therefor. This has been occasioned by the fact that in many instances carefully formulated and well defined financial policies and structures, which were decided upon in the past, were found to be poorly adapted to the unusual financial conditions which have existed more recently. Generally, capital has been so hard to attract, except at high costs, that the Commission has been required to exercise the greatest vigilance in guarding against the consummation of unsound and unwise financial plans, the discretionary power which is vested in it having proven itself to be an important factor in maintaining the financial integrity of, and thus upholding the service rendered by, the public utility industries in this Second District.

Previous annual reports of this Division have called attention to the tendency toward the combination of properties which was manifest. This tendency has continued, no less than 34 of the petitions filed during the year having involved either by purchase, merger, or consolidation the combination of two or more properties. In fact, if and when all of these petitions are acted upon, and if those which remain undisposed of are subsequently approved, but 12 corporations will remain out of the 39 which were parties to the original applications. In passing upon these matters the Commission endeavors constantly to look toward the future rather than to the past and to establish a sound basis for regulation during the years to come. Combinations of this character are futile

unless the public interest is to be served better by the combined property than it was by the separate entities; and if these benefits are to be fully realized to the public, the combined property must be inherently sound at its inception, and adequate and satisfactory methods must be devised thereafter to insure the continuity of this sound condition.

During the year several corporations have made a more intensive study of their local security market conditions than ever before, and have, as a result of a consistent selling campaign, disposed of large amounts of their securities to customers and employees. The idea has not as yet been generally adopted, but it is felt that there are large possibilities in the situation, which with proper regulation will undoubtedly inure to the benefit of both the public and the corporations. The failure to develop and utilize local sources of capital apparently results from a feeling that it is necessary for financial schemes to be taken to a center remote from the local field of operation and from that source to procure the necessary capital. It sometimes happens, however, that the cost of the money thus procured is unduly high, the intrinsic worth of the securities offered being considered, for the reason that the general investing public has little if any knowledge as to the service rendered by the enterprise or of its prospects for successful and remunerative operation.

This practice frequently not only burdens the corporation, and thus ultimately the rate paying public, with the necessity for paying high fixed charges upon the capital procured, but in addition is apt to result in what may be termed absentee ownership of an enterprise which is purely local and might well be locally owned. If public utility companies which are essentially local in their character could succeed in establishing local markets for securities, it is felt that benefits would result, not only through the realization of more equitable prices for the securities offered for sale, but also through the establishment of a permanent local public interest in the business.

The scrutiny of the plant accounts which is a part of the procedure in almost all capitalization cases which involve past transactions, has disclosed an interesting situation with regard to the retirement of obsolete, inadequate, and inefficient apparatus.

Second-hand machinery, and even scrap, particularly scrap metal, has commanded a much higher market price during the past year than it has at any other time in recent years. As a result of this condition, together with the realization that the operation of inefficient apparatus in an era of high operating costs might entail serious consequences, many corporations which were operating plants containing machinery or apparatus of this character have seen the wisdom of disposing of such apparatus while a favorable market obtained. This situation having been rather general, and a considerable quantity of obsolete or inadequate apparatus having been scrapped and retired, it is felt that from the standpoint of operating efficiency the public utility industry in this District is probably upon a sounder, more economical, and more efficient basis than it was prior to the outbreak of hostilities.

As a general rule, the withdrawal from the fixed capital, or plant, account of the amount which had been invested in apparatus of this character was accompanied by the absorption of the apparent loss in the reserve for accrued amortization of capital which had been established over a period of years for this purpose. As a result, current operating returns were not affected, and stability, with its concomitant sustained credit, was assured. The Commission has in the past consistently urged the conservation of corporate resources through the establishment of adequate depreciation or amortization reserves, and the soundness of its position in this regard has been amply demonstrated at a time when the strain upon credit and ability to serve the public has been greatest.

While this Division is essentially an organization devoted to the investigation and progress of capitalization matters, it has during the year just passed spent a considerable amount of the time of its forces upon inquiries necessary in connection with some of the many rate cases which the Commission has decided. Its regular duties involve continuous contact and familiarity with the accounts and affairs of the various public utility corporations subject to the Commission's jurisdiction, and the results of the various inquiries which it has made from time to time are available in the Commission's files. These can be utilized in many instances in connection with rate questions, and the necessity for making a lengthy, detailed, exhaustive, and expensive examination

for the purposes of a particular rate proceeding can often be avoided as a result. In fact, even when questions concerning rates arise in connection with companies the affairs of which have never been previously examined, making a special examination necessary, the facts are procured in such a manner as to make them readily adaptable to the needs of any capitalization proceeding which may subsequently come before the Commission.

During the year the Commission authorized various public utility corporations to issue capital securities having an aggregate face and par amount of one hundred and one million dollars, at prices to yield ninety-eight million dollars, and directed that the proceeds be used for the following purposes:

(a) For the refunding of capital obligations and for the payment of floating debt.....	53 millions
(b) For the acquisition of property, new construction, etc.	23 millions
(c) For the reimbursement of moneys actually expended from income, or from any other moneys in the treasury of the corporation not secured or obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness.	22 millions
<hr/>	
Total.....	98 millions

DIVISION OF STEAM RAILROADS

This concludes the first year during which most of the steam railroads of the State have been operated under the direction of the United States Railroad Administration. Subsequent to the taking over of the railroads at the beginning of the year, there was a period of distinct uncertainty during which the Administration was determining which railroads it proposed to retain. This uncertainty pervaded all of the activities of the smaller railroads whose status was in question. It was therefore quite difficult to observe anything except a state of marking time as respects these railroads, they being subject, as they felt, to the direction of the Director General. As time progressed, however, their status was determined, so that near the middle of the year the question had been practically settled. The work of this Division continued as in the past notwithstanding this situation, and inspections, examinations, and investigations have been made precisely as when the railroads were privately operated. Moreover, the representatives of the Commission have reported a distinct atmosphere of coöperation on the part of those entrusted with the management of the various railroads under federal control, which it is believed is even greater than that which formerly existed. In general, the work of the Division during the past year has been one of the most satisfactory since it was created.

There has been no change in the personnel. The untimely death of Arnold H. Sutermeister, who had been in charge of the work of the elimination of grade crossings since its inauguration, resulted in this work being temporarily consolidated with the Division of Steam Railroads. The fact that the work of the two divisions is so closely allied made it possible for them to be conducted under one head for the time being, in view of the fact that war conditions practically put a stop to the inauguration of new grade crossing eliminations. In this connection it seems fitting to record the work done by Mr. Sutermeister. He was employed by the former Board of Railroad Commissioners to take charge of the work of the elimination of grade crossings at its inception. From a relatively small beginning the work rapidly enlarged, becoming each year more important as the necessity for the elimination of crossings manifested itself. Under his supervision

\$2,500,000 were expended by the State. In this work is included the extensive eliminations at Schenectady, and practically the entire Electric Zone of the New York Central railroad. The sterling character of Mr. Sutermeister was everywhere manifested, and the absolute sincerity of purpose with which he safeguarded the interests of the State in connection with this work is one of the lasting monuments by which he will be remembered.

War conditions, which have left their mark upon so many activities, have affected the railroads as well. The trunk lines have been called upon to bear an unprecedented traffic far beyond the dreams of those who planned them, but it is gratifying to report that aside from a temporary discomfiture of passenger and local freight traffic there has been no breaking down. The smaller lines which have not been taken under the control of the Federal Administration have very materially suffered on account of unfavorable traffic conditions, combined with greatly increased costs of operation, which they were unable to meet effectively by rate adjustments such as were enjoyed by the trunk lines. This has not yet resulted in the elimination of any of the smaller lines, but the Deer River Railroad Corporation has entered into dissolution proceedings which will undoubtedly result in a cessation of operation and the abandonment of the property. The New York and Pennsylvania railroad is now in process of being junked after having been out of operation since December, 1917.

Inspections of Permanent Way and Operation: Every railroad within the State has been inspected. The results of these inspections indicate clearly that the unsatisfactory labor conditions which heretofore prevailed have left their mark, but fortunately the wage adjustments which were made possible subsequent to federal control have resulted in bringing forth an adequate supply which has in a measure brought the properties up to a somewhat higher standard, notwithstanding the increased traffic which they were called upon to bear. Details of maintenance which ordinarily would have received attention have been neglected in favor of keeping the track and structures safe and placing them in the best possible condition to withstand the winter

usage. The results of this work are evidenced in the reports which clearly indicate that the tracks are again resuming the former high standards of maintenance so far as the existing shortage of materials will permit.

The rail situation is without doubt assuming serious aspects. The demands of the war for steel have compelled the railroads to curtail their usage of rail to the minimum, and extreme efforts have been made to extend the life of the rail in the main tracks. In other words, the factor of safety which heretofore has been operative as a matter of good judgment when replacing rail has been reduced. This means but one thing, that undoubtedly a large amount of rail has reached the age where, under heavy traffic conditions, a large number of failures may be constantly expected. This is very clearly expressed in the following table:

Month	1911-12	1912-13	1913-14	1914-15	1915-16	1916-17	1917-18
July.....	88	179	149	122	110	89	103
August.....	125	227	94	101	98	122	138
September.....	216	167	161	134	47	165	175
October.....	278	320	206	199	222	216	230
November.....	241	450	245	226	226	263	275
December.....	241	363	338	364	247	177	409
January.....	1,283	347	390	447	247	330	1,532
February.....	1,124	391	734	350	282	926	1,653
March.....	1,173	384	596	362	451	514	872
April.....	511	201	347	188	222	283	453
May.....	165	151	147	141	149	220	314
June.....	109	117	111	97	123	142	190
Totals.....	5,554	3,297	3,518	2,731	2,424	3,447	6,344

It will be observed that there has been an increase of 2897 in the number of failures for the year 1917-18 over the year 1916-17, or more than the total number of failures for the years 1914-15 and 1915-16. It is obvious, therefore, that rail renewals should receive careful consideration during the coming year.

Fortunately, the number of failures due to internal transverse fissures has not increased. On the other hand, the number which failed in 1917-18 [420] is less than the number which failed in 1916-17. This is encouraging. The definite cause of this type still remains undetermined, although it is believed that very positive information is being developed which may ultimately lead to a solution. In order that pertinent information may be available, the tables heretofore constructed have been continued and are given herewith.

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The following table is designed to show the relation between the failures in the different ways:

By railroads		By manufacturers		By rail sections		Position in ingot	
Name	Number	Name	Number	Weight, lbs.	Number	Letter	Number
D., L. & W.....	808	A	654	105	57	A	421
N. Y. C.....	444	B	905	101	237	B	444
L. V.....	169	C	36	100	511	C	233
D. & H.....	180	D	12	91	564	D	146
N. Y. O. & W.....	55	E	24	90	136	E	100
Penna.....	12	F	4	85	58	No letter	295
N. Y., N. H. & H....	10	G	1	80	70		
C. N. E.....	5	H	1	76	5		
L. I.....	4		2	70	1		
Erie.....	1						
Rutland.....	1						
Totals.....	1,639		1,639		1,639		1,639

It seems pertinent to point out again that the number of failures developing in the lighter rails remains relatively insignificant. The tonnage of rails less than one hundred pounds to the yard now in the tracks is quite large; and furthermore, considerable of this tonnage is sustaining wheel loads the equal of any now operating in the country. It is difficult, therefore, to connect definitely the origination of the fissures with the intensity of wheel load.

For comparative purposes, and not because it definitely throws any particular light on the problem, the following table is given showing rail failures due to transverse fissures by year and month. It should be noted in making comparisons with previous publications of this table that certain of the figures for the preceding year have been modified on account of reports received subsequent to the compilation of last year's report.

Month	1913	1914	1915	1916	1917	1918	Totals
January.....		13	23	26	43	22	127
February.....		13	11	20	34	21	99
March.....		12	35	22	34	27	130
April.....		12	19	25	46	46	148
May.....		12	22	27	33	38	132
June.....		11	17	34	32	30	124
July.....		12	14	18	16	25	85
August.....		5	20	31	36	30	122
September.....		5	38	55	34	* 43	175
October.....		16	32	46	36	* 27	157
November.....		35	38	42	57	* 5	177
December.....	4	26	38	38	57	....	163
	4	172	307	384	458	314	1,639

* Not complete.

The tables which follow indicate certain phases of the problem with respect to the year of rolling, etc.

Year	No.	Year	No.	Year	No.	Year	No.
1917.....	1	1911.....	479	1905.....	2	1897.....	12
1916.....	7	1910.....	448	1904.....	1	1896.....	2
1915.....	5	1909.....	144	1902.....	3	1892.....	2
1914.....	81	1908.....	30	1901.....	3	1890.....	1
1913.....	206	1907.....	6	1899.....	3	No date.....	7
1912.....	185	1906.....	3	1898.....	8		
Total.....							1,639
Rails broken on curves.....	688			Rails broken over ties.....			642
Rails broken on tangents.....	951			Rails broken between ties.....			937
			1,639				1,639

The failures for the period from December 1, 1917, to December 1, 1918, so far as they have been reported, have been tabulated as to the year of rolling. This table is interesting in that it shows the rate of failure with respect to the age of the rail, but unfortunately statistics with respect to the tonnage of each rolling which is in the tracks are unavailable.

Year	No.	Year	No.	Year	No.	Year	No.
1917.....	1	1913.....	108	1909.....	14	1902.....	2
1916.....	5	1912.....	77	1908.....	4	1898.....	4
1915.....	3	1911.....	89	1907.....	2	1897.....	1
1914.....	41	1910.....	99	1904.....	1		
Total.....							451

The prosecution of the war has forbidden the extension of block signaling systems during the year. It is to be hoped that with its cessation there may come a resumption of this important work.

Inspections of Locomotive and Car Equipment: It has been considered that with the demand for skilled mechanics created by war activities there might reasonably be expected a somewhat depleted enginehouse and shop force, but to offset the attractiveness of wages offered by the so called war industries there has been a very substantial increase for the railroad forces. This latter condition has made it possible for the railroads to meet the increased repair work developed by the enormous traffic handled. Likewise, the use of various shops for the repair of locomotives other than those of the railroad in question has enabled those less fortunately situated to keep their power in reasonably good condition. Anticipating serious difficulty with the power on account of less efficient attention than had heretofore prevailed, the inspections for the past year were conducted on an even greater

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scale with respect to details than had been the previous policy of the Commission. The result of this work has shown quite clearly that the power is being maintained in exceedingly good condition. Minor matters have not received the same serious attention formerly given, so that small steam leaks, slightly defective safety appliances, etc., have been frequently observed. It is hoped that the repair staffs may see the importance of correcting these defects as rapidly as possible in order that they may not develop more serious trouble.

The following tables will indicate the general condition of the equipment:

Class A Railroads

Boston and Albany	Long Island
Boston and Maine	New York Central
Buffalo, Rochester and Pittsburgh	New York, New Haven and Hartford
Delaware and Hudson	New York, Ontario and Western
Delaware, Lackawanna and Western	Pennsylvania
Erie	Rutland
Lehigh Valley	

Class B Railroads

Central New England	Pittsburg, Shawmut and Northern
Lehigh and Hudson River	Ulster and Delaware
New York, Chicago and St. Louis	

Class C Railroads

Adirondack and St. Lawrence	Lehigh and New England
Arcade and Attica	Little Falls and Dolgeville
Bath and Hammondsport	Lowville and Beaver River
Buffalo Creek	Marcellus and Otisco Lake
Buffalo and Susquehanna	Marion
Catskill Mountain	Marion River Carry
Central New York Southern	Michigan Central
Dansville and Mt. Morris	Middleburgh & Schoharie
Deer River	Middletown and Unionville
Delaware and Northern	Newton Falls and Northern
Dexter and Northern	Norwood and St. Lawrence
Fonda, Johnstown and Gloversville	Owasco River
Genesee and Wyoming	Prattsburg
Glenfield and Western	Schoharie Valley
Grand Trunk	Skaneateles
Grasse River	South Buffalo
Greenwich and Johnsonville	Sterling Mountain
Keeseville, Ausable Chasm and Lake Champlain	Unadilla Valley
Lake Champlain and Moriah	

Locomotives Assigned to Service in State

	1918		1917		1916		1915		1914	
	Num-ber	Per cent	Num-ber	Per cent	Num-ber	Per cent	Num-ber	Per cent	Num-ber	Per cent
Locomotives assigned to service in State on railroads on which general inspection was made.....	5,429	100	4,525	100	5,660	100	6,024	100	6,011	100
Locomotives assigned to service in State inspected.....	3,653	67.3	3,084	68.2	3,626	64	4,027	66.9	3,885	64.6

Defects Observed

Item		Class A railroads	Class B railroads	Class C railroads	Totals
Number of locomotives operated.....	.....	4,915	230	284	5,429
Locomotives inspected.....	Number %	3,267 66.5	182 79.1	204 71.8	3,653 67.3
<i>Nature of Defects</i>		<i>Number and percentage of defects</i>			
Air-brake equipment defective.....	Number %	139 4.3	20 10.9	12 5.9	171 4.7
Draft gear defective.....	Number %	139 4.3	14 7.7	22 10.8	175 4.8
Driving gear defective ¹	Number %	259 7.9	23 12.6	2 1.0	284 7.8
Driving wheels defective.....	Number %	40 1.2	19 10.4	21 10.3	80 2.2
Engine truck or trailer wheels defective.....	Number %	12 0.4	1 0.5	1 0.5	14 0.4
Tender, tender trucks or wheels defective....	Number %	147 4.5	15 8.2	19 9.3	181 5.0
Metallic packing leaking.....	Number %	39 1.2	4 2.2	7 3.4	50 1.4
Running gear defective ²	Number %	312 9.5	30 16.5	14 6.9	356 9.7
Safety appliances defective.....	Number %	212 6.5	20 10.9	24 11.8	256 7.0
Headlights defective.....	Number %	36 1.1	0 0	8 3.9	44 1.2
Signal lights defective.....	Number %	0 0	0 0	0 0	0 0
Arch-tubes defective or leaking.....	Number %	3 0.1	0 0	0 0	3 0.1
Ash-pan or smoke arch defective.....	Number %	156 4.8	6 3.3	4 2.0	166 4.5
Barrel cracked or defective.....	Number %	5 0.2	0 0	0 0	5 0.1
Barrel leaking.....	Number %	29 0.9	1 0.5	2 1.0	32 0.9
Boiler mountings inside of cab leaking or defective ³	Number %	142 4.3	17 9.3	12 5.9	171 4.7
Boiler mountings outside of cab leaking or defective ⁴	Number %	350 10.7	24 13.2	19 9.3	393 10.8
Dome cracked.....	Number %	0 0	0 0	0 0	0 0
Dome leaking.....	Number %	19 0.6	1 0.5	3 1.5	23 0.6
Flues or firebox sheets leaking or defective..	Number %	95 2.9	16 8.8	18 8.8	129 3.5

¹ This defect covers crossheads, guides, piston and piston rods, main and side rods.² This defect covers crank pins, driving boxes, driving box shoes and wedges, frames, lateral motion work, pilots, and spring rigging.³ This defect covers injector connections in cab, squirt hose connections, steam gauge and fittings, steam pipes and valves in cab, etc.⁴ This defect covers blow-off cock, boiler checks, cylinder leaks, plugs leaking, steam valves outside of cab, and washout plugs, etc.

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Defects Observed (concluded)

Item		Class A railroads	Class B railroads	Class C railroads	Totals
Flues plugged.....	Number %	0 0	0 0	0 0	0 0
Foundation rings leaking.....	Number %	169 5.2	22 12.1	23 11.3	214 5.9
Gauge cocks leaking or defective.....	Number %	193 5.9	20 10.9	10 4.9	223 6.1
Injectors inoperative or defective.....	Number %	17 0.5	0 0	5 2.5	22 0.6
Lubricator shields missing or defective.....	Number %	3 0.1	0 0	0 0	3 0.1
Staybolts broken.....	Number %	36 1.1	11 6.0	33 16.2	80 2.2
Tell-tale holes plugged or hammered over.....	Number %	10 0.3	0 0	3 1.5	13 0.4
Throat or side sheets (outside) defective....	Number %	17 0.5	3 1.6	5 2.5	25 0.7
Water-glass or water-glass shield missing or defective.....	Number %	165 5.1	14 7.7	11 5.4	190 5.2

Passenger Cars Inspected

Railroad	Number of cars operated in New York State	Number of cars inspected
Adirondack and St. Lawrence.....	2	2
Arcade and Attica.....	1	1
Bath and Hammondsport.....	2	2
Buffalo and Susquehanna.....	12	5
Catskill Mountain.....	19	19
Central New York Southern.....	6	6
Dansville and Mt. Morris.....	3	3
Deer River.....	3	3
Delaware and Northern.....	7	6
Dexter and Northern.....	1	1
Fonda, Johnstown and Gloversville.....	24	24
Genesee and Wyoming.....	1	1
Glenfield and Western.....	1	1
Grasse River.....	4	4
Greenwich and Johnsonville.....	4	4
Keeeseville, Ausable Chasm and Lake Champlain.....	1	1
Lake Champlain and Moriah.....	3	3
Lehigh and Hudson River.....	12	9
Lowville and Beaver River.....	3	3
Marion River Carry.....	3	3
Middleburgh & Schoharie.....	1	1
Middletown and Unionville.....	2	2
Norwood and St. Lawrence.....	2	2
Pittsburg, Shawmut and Northern.....	.....	.....
Prattsburg.....	.....	.....
Schoharie Valley.....	1	1
Skaneateles.....	2	2
Sterling Mountain.....	1	1
Ulster and Delaware.....	40	24
	161	134

Defects Found in Passenger Cars

<i>Exterior:</i>	
Brakes defective.....	14
Sills defective.....	5
Draft rigging defective.....	6
Platform and steps defective.....	9

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Paint poor.....	6
Safety appliances missing or defective.....	5
Trucks defective.....	21
Wheels defective.....	5
Windows broken or defective.....	2
Cars down on side bearings.....	22
<i>Interior:</i>	
Lavatory unsanitary.....	6
Oil lamps defective.....	2
Seats defective.....	1
Not clean or sanitary.....	3
Floor defective.....	1
Coal stoves defective.....	2
Emergency tools missing.....	30
	<hr/>
	140

There was but one fire within the Adirondack Forest Preserve set by a locomotive during the period from April 15, 1918, to November 1, 1918. This fire was very small and was confined entirely to the railroad right of way. It was set by a coal-burning locomotive which was being operated during the daylight hours in pursuance of permission given by order of this Commission with the consent of the Conservation Commission. Notwithstanding that the woods were considered to be so wet that a fire could not be set, and although the conditions within the woods themselves were probably such that a fire could not have run very far, it should be noted that a fire did occur. Likewise, it is important to recall that forest fires of an extensive nature have not occurred since the requirement with respect to the use of oil for fuel became operative in 1910. An application from The New York Central Railroad Company for permission to be relieved from this requirement is now being heard by the Commission.

Engine Failures: The following tables have been prepared from reports of engine failures for the periods indicated. In general, it will be noted that the performance is not as good as it has been heretofore, the measure of performance, that is, the miles run per failure, being lower than for previous years.

It is difficult to explain this situation, for while the inspections made by the Commission indicate that the power is in good condition, nevertheless failures occur. Undoubtedly the difficulty lies with the unusual demands made on the power incident to the war. Latent defects have developed suddenly after the application of continuously heavy strains, or there has been a fatigue of those parts which fail, the existence of which was not apparent to the terminal inspector.

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Railroad	Year ended October 31, 1915				Year ended October 31, 1916			
	Passenger		All classes		Passenger		All classes	
	Number of failures	Miles per failure	Number of failures	Miles per failure	Number of failures	Miles per failure	Number of failures	Miles per failure
Boston and Albany..	52	10,091	140	11,597	117	4,878	329	5,834
Boston and Maine.....	48	8,551	141	7,380	50	8,751	167	8,015
Buffalo, Rochester and Pittsburgh.....	93	7,196	223	12,360	142	4,730	396	8,155
Delaware and Hudson	344	6,847	1,081	7,961	612	4,268	1,593	6,197
Delaware Lackawanna and Western.....	134	10,303	308	25,718	154	13,757	378	22,801
Erie	268	10,228	691	19,297	492	8,806	1,004	9,092
Lehigh Valley	374	6,023	1,302	6,284	462	5,373	1,038	8,237
Long Island	147	14,449	194	21,512	200	11,086	259	18,007
New York Central	707	25,897	1,252	37,351	892	22,861	1,742	32,789
New York, New Haven and Hartford.....	198	18,336	78	2,894	4	6,409	63	3,775
New York, Ontario and Western.....	172	9,967	405	12,834	236	8,468	698	7,093
Pennsylvania	72	6,993	613	8,630	279	4,387	1,020	6,720
Rutland	102	5,783	136	6,441	77	5,639	131	7,068
Boston and Albany	131	4,455	448	4,171	202	2,711	617	2,930
Boston and Maine.....	62	7,103	244	5,627	52	7,491	375	3,658
Buffalo, Rochester and Pittsburgh.....	168	3,711	346	6,111	128	4,056	497	6,644
Delaware and Hudson	1,066	2,182	2,222	4,753	521	3,802	1,224	8,700
Delaware, Lackawanna and Western	167	12,557	466	18,388	262	8,059	555	14,822
Erie	592	6,781	2,393	5,680	802	4,871	2,316	5,888
Lehigh Valley	289	7,939	384	12,283	285	5,984	896	7,015
Long Island	1,132	17,835	2,106	27,155	490	5,511	643	8,122
New York Central	28	2,331	77	3,754	1,390	12,106	3,183	16,511
New York, New Haven and Hartford	198	9,941	548	7,862	25	4,388	53	7,450
New York, Ontario and Western	285	4,428	913	7,824	208	8,477	944	4,689
Pennsylvania	102	4,369	158	6,242	329	4,091	904	6,863
Rutland	102	4,369	158	6,242	94	4,617	142	6,499

1 Data incomplete.

Cause of failure	Per cent of failures caused			
	1918	1917	1916	1915
Hot bearings.....	12.1	14.4	13.5	14.2
Low steam.....	27.8	24.8	15.0	13.2
Steam leaks.....	11.0	11.1	15.2	17.0
Broken machinery.....	20.1	19.8	24.0	26.2
Miscellaneous, such as loose nuts, bolts, tires, wheels, burst air-hose, etc.....	29.0	29.9	32.3	29.4

Locomotive Boiler Inspections: The inspection of boilers in compliance with the statute has been continued, and the following tables give interesting data with respect to the boilers which may be operated within this State.

The total number of locomotive boilers reported and their distribution according to companies are shown as follows:

New York Central.....	3,331
Erie.....	1,619
Pennsylvania and Northern Central.....	903
Lehigh Valley.....	809
Delaware, Lackawanna and Western.....	731
New York, New Haven and Hartford.....	662
Delaware and Hudson.....	508
Buffalo, Rochester and Pittsburgh.....	370
Boston and Maine.....	361
Grand Trunk.....	339
New York, Chicago and St. Louis.....	260
Boston and Albany.....	235
Michigan Central.....	231
New York, Ontario and Western.....	196
Long Island.....	179
Rutland.....	95
Central New England.....	82
Buffalo and Susquehanna.....	52
Lehigh and Hudson River.....	51
Wabash.....	50
Pittsburg, Shawmut and Northern.....	46
Canadian Pacific.....	45
Lehigh and New England.....	41
Pere Marquette.....	40
South Buffalo.....	30
Ulster and Delaware.....	29
Central Vermont.....	27
Walah Construction Co.....	24
Buffalo Creek.....	23
Toronto, Hamilton and Buffalo.....	21
Solvay Process Co.....	9
American Locomotive Co.....	8
Donner Steel Co.....	8
Fonda, Johnstown and Gloversville.....	7
Lake Champlain and Moriah.....	7
Delaware and Northern.....	6
Genesee and Wyoming.....	6
Grasse River.....	6
Wickwire Steel Co.....	6
Catskill Mountain.....	5
Central New York Southern.....	5

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New York and Pennsylvania.....	5
Union Carbide Co.....	5
Total for above companies.....	11,473
44 other companies operating less than five locomotives.....	82
Grand total December 1, 1918.....	11,555

The following table shows the disposition of boilers reported during the past year:

Number of boilers reported for service December 1, 1917.....	10,904
Number of boilers scrapped or sold during year.....	82
Number of boilers permanently withdrawn from New York state during year.....	14
Difference.....	10,808
Specification cards filed during year.....	747
Number of boilers reported for service December 1, 1918.....	11,555

The total number of alteration reports and re-filed specification cards received during the past year are as follows:

Number of specification cards re-filed during year.....	158
Number of alteration reports filed during year.....	906
	1,064

The number of locomotive boilers reported and average ages are as follows:

Railroad	Number of locomotive boilers reported for service	Average age
Boston and Albany.....	235	11.53
Boston and Maine.....	381	9.46
Buffalo, Rochester and Pittsburgh.....	370	11.09
Buffalo and Susquehanna.....	52	13.50
Central New England.....	82	14.33
Delaware and Hudson.....	508	14.35
Delaware, Lackawanna and Western.....	731	14.01
Erie.....	1,619	15.40
Grand Trunk.....	339	17.05
Lehigh and Hudson River.....	51	12.92
Lehigh Valley.....	809	10.20
Long Island.....	179	17.12
Michigan Central.....	231	11.93
New York Central.....	3,331	10.06
New York, Chicago and St. Louis.....	260	9.72
New York, New Haven and Hartford.....	662	13.18
New York, Ontario and Western.....	196	15.34
Pennsylvania.....	903	13.11
Rutland.....	95	16.24
Wabash.....	50	16.00
	11,064	12.38

In addition to the above, there were 67 railroad and manufacturing companies operating less than fifty locomotives each, who reported 491 locomotive boilers in service of an average age of

14.32 years, making a total of all railroad and manufacturing companies in the State reporting 11,555 locomotive boilers of an average age of 12.47 years.

December 1, 1917, there were 10,904 locomotive boilers of an average age of 12.15 years.

The distribution of boilers according to their ages is as follows:

Item	Dec. 1, 1915	Dec. 1, 1916	Dec. 1, 1917	Dec. 1, 1918
Number of boilers reported under 10 years of age..	3,970	3,617	3,761	4,411
Number of boilers reported 10 years and under 20 years.....	4,843	5,559	5,882	5,589
Number of boilers reported 20 years and under 30 years.....	996	980	1,064	1,308
Number of boilers reported 30 years and under 40 years.....	131	138	195	241
Number of boilers reported 40 years and over....	.....	1	2	6
	9,940	10,295	10,904	11,555

The number of locomotive boilers built during the past three years is shown as follows:

Company	1918	1917	1916
American Car and Foundry Co.....	.....	.....	1
American Locomotive Co.....	1	.....	.....
Boston and Albany.....	.....	6	6
Boston and Maine.....	.....	1	59
Buffalo Creek.....	.....	.....	3
Buffalo, Rochester and Pittsburgh.....	38	31	12
Central New England.....	.....	.....	3
Delaware and Hudson.....	20	.....	1
Delaware, Lackawanna and Western.....	15	7	18
Donner Steel Co.....	2	1	1
Erie.....	54	63	71
Glenfield and Western.....	.....	1	.....
Lake Champlain and Moriah.....	.....	.....	1
Lehigh and Hudson River.....	4	.....	4
Lehigh Valley.....	12	101	89
Long Island.....	.....	6	4
Marcellus and Otisco Lake.....	.....	1	.....
Michigan Central.....	14	3	5
Newton Falls Paper Co.....	.....	.....	1
New York Central.....	269	183	169
New York, Chicago and St. Louis.....	25	45	10
New York, New Haven and Hartford.....	50	1	79
Oval Wood Dish Co.....	.....	2	.....
Pennsylvania.....	1	36	18
Rogers Brown Iron Co.....	.....	.....	1
Rutland.....	7	.....	.....
Solvay Process Co.....	.....	.....	2
Union Carbide Co.....	.....	1	2
Walsh Construction Co.....	.....	2	.....
Total.....	512	491	560

Train Service: The drastic cuts in train service made effective by the orders of the Director General of Railroads resulted in a few complaints, mostly of a minor nature. Obviously, a sense of patriotic duty required that public convenience be made subservient to the necessities of war, and it is interesting commentary

on the patience of the public that they were able to sustain such a severe rearrangement of their accustomed service without complaint. The minor complaints referred to had to do chiefly with certain local conditions which should have been considered but which were overlooked in the great general change. Those which were clearly founded on necessary activities were quickly satisfied when the facts were presented to those in charge of the operation of the railroads in question. The following tables are prepared from the monthly reports on train service rendered to the Commission.

Monthly Comparison of Total Passenger Train Movement, Year Ended June 30, 1918

Month	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported
1917				
July.....	68,743	14,742	79	5.0
August.....	67,619	17,637	74	9.6
September.....	63,671	17,720	72	7.7
October.....	63,909	16,151	75	6.7
November.....	61,941	14,994	76	7.2
December.....	62,496	25,534	59	22.8
1918				
January.....	59,298	26,855	55	28.2
February.....	52,127	23,318	55	28.5
March.....	57,386	17,200	70	10.8
April.....	59,674	11,923	80	5.8
May.....	62,817	10,567	83	4.2
June.....	61,001	8,879	85	3.5

Comparison of Principal Causes of Delay for Years Ended June 30, 1914, 1915, 1916, 1917, and 1918

Nature of delay	Per cent of delay caused				
	1913-14	1914-15	1915-16	1916-17	1917-18
Engine failures.....	4.6	4.9	3.2	2.9	2.9
Failures of other equipment.....	2.0	2.3	1.8	1.9	1.7
Wrecks.....	3.6	4.0	3.3	2.3	2.5
Unfavorable condition of track.....	3.1	2.5	3.4	2.4	1.4
Waiting for trains from other divisions.....	34.9	32.4	34.4	37.0	41.2
Waiting for trains from other railroads.....	15.3	14.5	11.5	11.8	10.5
Meeting and passing trains.....	5.0	5.5	5.7	5.6	4.1
Signals.....	1.3	1.2	1.2	1.4	1.1
Trains ahead.....	6.5	6.2	7.0	7.7	7.6
Waiting for orders.....	0.2	0.2	0.2	0.3	0.3
Train work at stations.....	13.1	18.9	21.1	22.3	20.9
Weather conditions.....	5.3	2.1	3.7	1.7	3.1
All other causes.....	5.1	5.3	3.5	2.7	2.7

Passenger Train Movements, Year Ended June 30, 1918

Railroad	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported
Bath and Hammondsport.....	1,452	444	69.4	8.1
Boston and Albany.....	11,601	5,016	56.8	20.5
Boston and Maine.....	12,626	4,945	60.8	14.3
Buffalo and Susquehanna.....	1,919	926	51.7	21.8
Buffalo, Rochester and Pittsburgh.....	10,294	3,052	70.4	10.3
Central New England.....	6,865	2,118	69.1	11.6
Danville and Mt. Morris.....	2,419	206	91.5	2.9
Delaware and Hudson.....	52,696	12,273	76.7	7.8
Delaware, Lackawanna and Western.....	18,262	4,506	75.3	7.6
Delaware and Northern.....	1,459	488	66.6	9.0
Erie.....	69,784	23,064	66.9	17.6
Fonda, Johnstown and Gloversville.....	3,177	961	69.8	6.5
Genesee and Wyoming.....	624	78	87.5	4.5
Greenwich and Johnsonville.....	2,886	941	67.4	6.9
Lehigh and Hudson River.....	2,300	719	68.7	8.0
Lehigh and New England.....	312	120	61.5	13.4
Lehigh Valley.....	22,295	6,127	72.5	11.8
Long Island.....	45,907	13,696	60.2	4.8
Lowville and Beaver River.....	1,893	965	49.1	12.1
Michigan Central.....	11,132	6,252	43.8	28.1
Middletown and Unionville.....	2,353	1,309	44.4	23.5
New York Central (Lines east of Buffalo).....	258,255	77,257	70.1	12.5
New York Central (Lines west of Buffalo).....	12,472	8,078	35.2	38.3
New York, Chicago and St. Louis.....	1,914	1,319	31.1	56.9
New York, New Haven and Hartford.....	62,423	13,894	77.8	6.3
New York, Ontario and Western.....	17,974	6,408	64.3	10.7
New York and Pennsylvania ¹	402	147	63.4	23.7
New York, Westchester and Boston.....	75,882	1,050	99.9	0.1
Norwood and St. Lawrence.....	2,381	282	88.2	4.9
Pennsylvania.....	12,967	4,670	64.0	19.9
Pittsburg, Shawmut and Northern.....	3,742	1,120	70.1	8.1
Rutland.....	3,997	1,708	57.3	22.0
Schoharie Valley.....	1,244	230	81.5	6.9
Ulster and Delaware.....	3,324	909	72.7	7.1
Unadilla Valley.....	1,449	242	83.3	7.5

¹ Discontinued December, 1917.

Comparative Table of Passenger Train Movements

Railroad	Year ended June 30, 1915					Year ended June 30, 1916				
	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported	Number trains reported	Average minutes late per train reported
Boston and Albany.....	13,296	1,278	90	2.1	12,808	2,577	80	6.6	11,601	5.016
Boston and Maine.....	14,353	3,626	75	5.5	14,838	5,116	66	8.7	12,626	4.945
Buffalo, Rochester and Pittsburgh.....	13,926	1,860	90	2.0	13,538	2,922	78	4.9	10,284	3.052
Delaware and Hudson.....	59,969	6,193	90	2.5	58,881	7,515	87	3.3	52,696	12.273
Delaware Lackawanna and Western.....	19,443	2,811	86	3.9	18,376	3,124	83	4.2	18,262	4.508
Eric.....	81,533	8,987	89	2.4	79,852	15,798	80	6.1	69,784	23.064
Lehigh Valley.....	28,307	5,672	80	5.9	31,657	8,708	73	7.6	22,395	6.127
Long Island.....	37,110	5,685	85	2.4	37,664	7,665	80	3.0	45,907	13.696
New York Central (lines east).....	287,861	34,393	88	2.8	290,095	43,712	85	4.0	258,255	77.257
New York, New Haven and Hartford.....	59,068	4,339	93	1.2	59,013	8,630	86	3.9	62,423	13.894
New York, Ontario and Western.....	21,179	3,868	82	4.0	22,013	4,841	78	5.2	17,974	6.408
Pennsylvania.....	14,586	1,816	88	5.4	14,692	2,469	83	5.7	12,967	4.670
Rutland.....	4,383	940	78	9.6	4,393	1,115	75	8.0	3,997	1.708
Boston and Albany.....	12,939	3,480	73	8.7	11,601	5,016	57	20.5	12,626	4.945
Boston and Maine.....	13,858	5,514	60	9.7	12,626	4,945	61	14.3	10,284	3.052
Buffalo, Rochester and Pittsburgh.....	13,955	3,531	75	6.1	10,284	3,052	70	10.3	52,696	12.273
Delaware and Hudson.....	56,036	12,360	78	6.3	52,696	12,273	77	7.8	18,262	4.508
Delaware Lackawanna and Western.....	18,314	3,308	82	4.4	18,262	4,508	75	7.6	69,784	23.064
Eric.....	79,920	20,757	74	7.5	69,784	23,064	67	17.6	22,395	6.127
Lehigh Valley.....	31,879	12,812	60	1.3	22,395	6,127	73	11.8	45,907	13.696
Long Island.....	28,600	8,530	76	2.8	45,907	13,696	60	4.8	258,255	77.257
New York Central (lines east).....	292,582	62,146	79	6.7	258,255	77,257	70	12.5	62,423	13.894
New York, New Haven and Hartford.....	60,596	10,885	82	3.8	62,423	13,894	78	6.3	17,974	6.408
New York, Ontario and Western.....	22,374	5,239	77	5.2	17,974	6,408	64	10.7	12,967	4.670
Pennsylvania.....	14,079	3,610	74	10.8	12,967	4,670	64	19.9	3,997	1.708
Rutland.....	4,367	1,641	62	16.1	3,997	1,708	57	22.0		

Accidents: The reports filed with the Commission, which include all railroad accidents except those properly classifiable as industrial accidents, indicate that the number has decreased and that the total number of killed and injured has likewise decreased. The following table summarizes the statistics which have been compiled and which will be found in Appendix C.

Item	1913-14	1914-15	1915-16	1916-17	1917-18
Number of accidents.....	6,249	4,988	5,323	6,149	6,015
Passengers killed.....	14	9	13	15	23
Passengers injured.....	956	833	528	435	680
Persons carried under contract killed.....	.....	.....	.....	*.....	2
Persons carried under contract injured.....	.....	.....	.....	*29	73
Employees killed.....	197	142	160	226	224
Employees injured.....	3,031	2,144	2,468	3,211	2,857
Trespassers killed.....	344	333	375	364	227
Trespassers injured.....	353	382	284	250	175
Non-trespassers killed.....	143	103	120	137	157
Non-trespassers injured.....	666	506	304	407	431
Total number killed.....	698	587	668	742	633
Total number injured.....	5,006	3,865	3,584	4,332	4,216

* Persons carried under contract were formerly classified as passengers.

For the first time in four years there is a decrease in the casualties resulting from railroad operation. With the greatly increased traffic and the large number of new employees this result is distinctly encouraging.

A classification of the several general types of railroad accidents follows, and includes comparisons with former years. There has been a marked increase in the number of so called train accidents, that is, accidents in which the train or track was damaged. This was to be expected, but the increased number of such accidents was fortunately more than offset by the remaining classes of accidents. It is to be hoped that a return to normal conditions will bring with it not only a further improvement in the first two classes of accidents but also a distinct improvement in the train accidents. This is possible with the proper kind of supervision.

	1914-15	1915-16	1916-17	1917-18
Accidents occurring while on trains, not resulting from an accident to a train.....	2,236	2,393	2,835	2,377
Accidents occurring while on tracks or adjacent thereto, either from contact with trains or from other causes.....	1,610	1,221	1,529	1,496
Derailments of passenger trains.....	82	113	105	158
Derailments of freight trains.....	732	1,055	1,066	1,358
Butting collisions between passenger trains.....	.....	.....	.....	1
Butting collisions between passenger trains and freight trains.....	1	4	3	4
Butting collisions between freight trains.....	14	45	21	24
Rear-end collisions between passenger trains.....	4	6	5	3
Rear-end collisions between passenger trains and freight trains.....	4	13	11	19
Rear-end collisions between freight trains.....	56	109	122	141
Side collisions between passenger trains.....	1	1	4	4
Side collisions between passenger trains and freight trains.....	4	7	12	10
Side collisions between freight trains.....	56	92	90	77

Unfortunately, the number of passengers killed has again increased, as will be seen from the following table. It is also to be regretted that the clear record which heretofore prevailed with respect to fatalities resulting from accidents to trains has been broken.

Falling from trains.....	3
Getting on and off trains while in motion.....	3
Coming in contact with objects because of putting heads out of windows.....	1
Struck while on track by train.....	3
Alighting from train directly in front of another.....	1
Found dead on track, definite cause unknown.....	2
Struck while standing on platform too close to track.....	1
Broken rails, main track.....	3
Rails spreading, main track.....	1
Switch improperly adjusted or locked.....	1
Failure of engineman to observe signals governing switch.....	2
Baggage truck, etc., not into clear.....	2
	<hr/> 23

Comparative tables with respect to grade crossing accidents are given below. Notwithstanding the curtailment of the operation of motor vehicles, there has been a distinct increase in the number of accidents in which they have been involved. What may be expected from a release of the retarding effects of the war upon motor vehicle transportation is problematical, but it seems to be beyond question that the volume of this traffic will increase enormously and with it will come a corresponding increase in grade crossing accidents. The relief to be effected seems to be limited entirely to an extensive programme of grade crossing elimination and the protection of those crossings where protection seems desirable. The tables are so constructed that they will reflect the existing conditions without detailed comment.

<i>Accidents to vehicles at grade crossings</i>				
	<i>1916-17</i>		<i>1917-18</i>	
	<i>Auto- mobiles</i>	<i>Other vehicles</i>	<i>Auto- mobiles</i>	<i>Other vehicles</i>
Unprotected crossings.....	82	72	125	67
Protected by bells.....	25	19	26	14
Protected by flagmen.....	36	25	39	14
Protected by gates.....	14	11	20	6
Totals.....	157	127	210	101
Unprotected crossings.....	82	72	125	67
Protected crossings.....	75	55	85	34

	K.	I.	K.	I.	K.	I.	K.	I.
Unprotected crossings.....	31	73	20	43	29	132	21	37
Protected by bells.....	8	19	5	9	11	14	3	12
Protected by flagmen.....	3	24	5	26	4	18	2	7
Protected by gates.....	1	9	0	11	9	10	0	7
Totals.....	43	125	30	89	53	174	26	63
Unprotected crossings.....	31	73	20	43	29	132	21	37
Protected crossings.....	12	52	10	46	24	42	5	26

	Pedestrians				Vehicles			
	1916-17		1917-18		1916-17		1917-18	
	K.	I.	K.	I.	K.	I.	K.	I.
Unprotected crossings.....	22	11	12	6	51	116	49	169
Protected by bells.....	3	6	9	2	13	28	9	34
Protected by flagmen.....	12	15	6	8	8	50	6	26
Protected by gates.....	16	14	17	11	1	20	12	16
Totals.....	53	46	44	27	73	214	76	245
Unprotected crossings.....	22	11	12	6	51	116	49	169
Protected crossings.....	31	35	32	21	22	98	27	76

	1916-17	1917-18
Total killed.....	126	120
Total injured.....	260	272

	Pedestrians		Vehicles	
	1916-17	1917-18	1916-17	1917-18
Unprotected crossings.....	32	18	154	194
Protected by bells.....	7	10	44	39
Protected by flagmen.....	27	13	61	51
Protected by gates.....	30	26	25	27
Totals.....	96	67	284	311
Unprotected crossings.....	32	18	154	194
Protected crossings.....	64	49	130	117

ELIMINATION OF GRADE CROSSINGS

By reason of the existence of a state of war, the work of eliminating grade crossings has been confined exclusively to the completion of certain projects which were well under way and which from their nature were considered to be essential. There have been certain determinations made where it was considered advisable, but up to the present time no work has been started on these. The situation with respect to the danger of grade crossings as pointed out in connection with the data relative to accidents makes it imperative that this work be resumed as promptly as possible and conducted as rapidly as conditions will warrant.

xlvi PUBLIC SERVICE COMMISSION, SECOND DISTRICT

The following tables indicate the orders which have been made by the Commission since the last annual report.

Orders for the elimination of grade crossings during the year:

TABLE I

Case No.	Railroad	Locality
GC-682	New York Central.....	City of Newburgh, South William, Kemp, and South Water streets
6315	New York Central.....	Town of Saugerties
6326	Erie.....	Town of Hinsdale
6330	International Ry.....	City of North Tonawanda
* 6339	New York Central.....	City of Newburgh, South street
6428	New York Central.....	City of Rochester, Blossom Road
6556	New York Central.....	City of Watertown, Massey street

* Street to be closed and subway for pedestrians only provided.

Order made in case where a new highway crosses an existing railroad, in accordance with section 90 of the Railroad Law:

TABLE II

Case No.	Railroad	Locality
* 6463	New York Central.....	City of Mount Vernon, Bronx street

* Footbridge for pedestrians only to be provided.

Orders made in cases where new railroads cross existing highways, in accordance with section 89 of the Railroad Law:

TABLE III

Case No.	Railroad	Locality
6297	Delaware and Hudson.....	Town of Worcester
6301	Delaware and Hudson.....	Town of Maryland
6466	Central New York Southern.....	Town of Ithaca

Orders for modification of orders previously made:

TABLE IV

Case No.	Railroad	Locality
* 1283	New York Central.....	Village of Medina
2923	Long Island.....	Town of Brookhaven
5088	Delaware, Lackawanna and Western.....	Town of Pavilion
5118	Central New England.....	City of Poughkeepsie
5673	Frontier Electric Railway.....	City of North Tonawanda
5981	New York Central.....	Cities of Tonawanda and North Tonawanda
6463	New York Central.....	City of Mount Vernon, Bronx street

* Order made closing the case on the records as the village does not wish to proceed with the construction.

The status of the projects which are under way is herewith indicated.

Case No. 156, city of White Plains, New York Central railroad: work on Tibbetts avenue has been suspended.

Case No. 254, city of Mount Vernon, New York Central railroad: the contractor has completed the viaduct with the exception of the arch over the railroad and the one next east; further work has been suspended on account of the high cost of labor and materials.

Case No. GC-432, Elmwood avenue, city of Buffalo, Delaware, Lackawanna and Western railroad: work completed except a limited amount of grading which has been deferred on account of high labor costs.

Case No. 1519, city of Jamestown, Erie railroad: there has been practically no progress on this elimination during the past year.

Case No. 2805, Harlem avenue, town of Cheektowaga, Delaware, Lackawanna and Western, Erie, and Lehigh Valley railroads: the bridge and approaches are completed; certain marginal streets have not been graded; work will be completed in the Spring of 1919.

Case No. 2923, town of Brookhaven, Long Island railroad: work completed.

Case No. 3778, city of Ogdensburg, New York Central railroad: work practically completed.

Case No. 4108, town of Remsen, New York Central railroad: work completed.

Case No. 5076, village of Scarsdale, New York Central railroad: work completed.

Case No. 5088, town of Pavilion (B., R. & P. Junction), Delaware, Lackawanna and Western railroad: grading nearly completed; pavement 50 per cent completed; masonry partly completed; highway will be open this Winter.

Case No. 5005, city of Rochester, New York Central railroad and Buffalo, Rochester and Pittsburgh railway: very little work has been done.

Case No. 5118, city of Poughkeepsie, Central New England railway: work completed except for railings on North Street bridge.

Case No. 5236, village of New Paltz, Wallkill Valley railroad: no further work has been done on account of the inability of the village to secure a reasonable contract.

Case No. 5438, town of Canisteo, Erie railroad: work completed.

Case No. 5755, towns of Fabius and Lafayette, Delaware, Lackawanna and Western railroad: in the town of Fabius, the arch over the tracks has been completed, but practically no grading of the approaches has been accomplished; in the town of Lafayette, the masonry is partly completed, and a small part of the grading has been done.

Case No. 5788, town of Pavilion (Hendee road), Delaware, Lackawanna and Western railroad: work nearly completed.

Case No. 5814, city of Rome, New York Central railroad: new street opened and paved; sidewalks not yet completed.

There are a number of petitions pending before the Commission, a list of which is given herewith. To accomplish the elimination of all the crossings involved would require approximately \$1,000,000 as the State's share, assuming reasonably normal costs.

Many of these petitions were made several years ago, and hence the conditions which existed at that time may not necessarily be present today with sufficient force to warrant the consideration of the elimination petitioned for. The Commission is, therefore, undertaking a survey of these cases to ascertain if certain of them may not be withdrawn in order that more pressing cases may be considered when the opportunity for resuming active work arrives.

TABLE V

Case No.	Railroad	Municipality	Name of crossing
GC-454	N. Y., O. & W..	Town of Guilford.....	Depot Highway
475	N. Y. C.....	City of Kingston.....	3 crossings
539	S., B. & N. Y...	Town of Cortlandville.....	Cortland-Homer Road
645	N. Y. C.....	Town of Royalton.....	Long Road Highway
659	N. Y. C.....	Town of Claverack.....	Stivers Highway
157	N. Y. C.....	Village of Tarrytown.....	Main and Wildey Streets
1230	Erie.....	Town of Wallkill.....	Howells Station
1415	N. Y. C.....	City of Rochester.....	Lyell Avenue
1711	N. Y. C.....	Town of Cheektowaga.....	Union Road
1933	Erie.....	Town of Hinsdale.....	Lincoln Highway
2098	Erie.....	Village of Blooming Grove....	Blooming Grove-Lincoln Highway
2546	Erie.....	Village of Monroe.....	Main Street
2658	D. & H.....	Town of Fenton.....	Nowlan Road
2727	L. I.....	Town of Brookhaven.....	Port Jefferson-Coman Road
2843	Erie.....	Village of Salamanca.....	Wildwood
2875	N. Y. C.....	Village of Cornwall.....	River Road, Back Rd. and Main St
2936	N. Y., O. & W..	City of Oswego.....	W. Seneca Street (Co. Highway)
3216	N. Y. C.....	Town of West Bloomfield.....	West Bloomfield and Honeoye Falls
3281	C. N. E.....	City of Poughkeepsie.....	Buckingham Avenue
3290	N. Y., O. & W..	City of Middletown.....	Wisner Avenue
3401	L. I.....	Town of Oyster Bay.....	Jericho Turnpike
3402	B. & M.....	Town of Rotterdam.....	Fort Hunter
3405	L. & H.....	Town of Warwick.....	2 crossings at New Milford
3423	N. Y. C.....	City of Corning.....	East Pulteney and Ontario Streets
3585	L. I.....	Town of North Hempstead....	Jericho Turnpike
3610	D., L. & W.....	Groveland Station.....	Geneseo-Dansville Road
3690	L. V.....	Town of LeRoy.....	North and Lake Streets
3943	N. Y. C.....	Town of Brighton.....	Penfield Road
4465	L. I.....	Town of Southampton.....	Newtown Road
4474	D. & H.....	Town of Colonie.....	Shaker-Watervliet (Co. Highway)
* 4675	Genesee River...	Town of Cuba.....	State Highway No. 5174
4785	U. & D.....	Town of Hunter.....	Hunter Turnpike
4981	N. Y., O. & W..	Town of Wallkill.....	Crossing at Mechanictown
5633	D. & H.....	Village of Cobleskill.....	Main Street (Bridge Highway)
5641	D. & H.....	Town of Afton.....	Main Street to River
5651	N. Y. C.....	Town of Guilderland.....	Fullers Road
5781	B., R. & P.....	Village of Warsaw.....	Perry Center Road
5906	N. Y. C.....	City of Kingston.....	Broadway
5906	D. & H.....	City of Albany.....	Broadway and Madison Avenue
5945	N. Y. C.....	Town of Marcy.....	1.6 miles North of Marcy Station
5984	D., L. & W.....	Town of North Dansville.....	Near Village of Dansville
5990	N. Y. C.....	City of Yonkers.....	Yonkers Av. and Tuckahoe Rd.
6223	Erie.....	Town of Mount Hope.....	Westbrook Road
* 6155	N. Y. C.....	Town of Camillus.....	County Highway No. 329
6320	B. & M.....	Town of Pittstown.....	Johnsonville-Buskirk (Co. Highway)
6587	N. Y. C.....	Towns of Ossining and Mt. Pleasant.....	County Highway No. 53
6645	Penna.....	Town of Sherman.....	

* Petitions for reconstruction of existing structures.

The following is a financial statement of the condition of the grade crossing funds:

Total amount appropriated prior to 1912.....	\$2,317,606.92
Less amount lapsed.....	2,945.86
	<hr/>
	\$2,314,661.06
Amount appropriated by Legislature of 1912.....	Nothing
Amount appropriated by Legislature of 1913.....	Nothing
Amount appropriated by Legislature of 1914.....	Nothing
Amount appropriated by Legislature of 1915.....	552,000.00
Amount appropriated by Legislature of 1916.....	175,000.00
Amount appropriated by Legislature of 1917.....	250,000.00
Amount appropriated by Legislature of 1918.....	100,000.00
	<hr/>
	\$3,391,661.06
Total amount paid by State Treasurer to December 31, 1918, as State's portion of cost.....	2,523,353.53
	<hr/>
Balance for future work and completion of that already authorized.....	\$868,307.53
Amount segregated and set aside for work ordered.....	411,222.58
	<hr/>
Free balance for future work.....	\$457,084.95

The following indicates the crossings eliminated during the year. Four hundred crossings have been eliminated within the State up to the present time.

TABLE VI

Case No.	Railroad	Municipality	County	Number
2805	D., L. & W., Erie, and L. V.....	Town of Cheektowaga, Village of Sloan.....	Erie.....	1
2923	Long Island.....	Town of Brookhaven.....	Suffolk.....	1
3211	Central New England.....	Town of Lloyd.....	Ulster.....	1
				<hr/>
				3

To indicate the liability of the State for work already under construction, the following table is presented:

TABLE VII

Case No.	Railroad	Municipality	Estimated amount
156	N. Y. C.....	City of White Plains.....	\$8,359.02
277	Erie.....	Town of Warsaw.....	4,000.00
509	D., L. & W. and N. Y., O. & W.....	City of Utica.....	2,029.52
774	N. Y. C.....	Village of Bronxville.....	8,682.88
1519	Erie.....	City of Jamestown.....	92,796.54
1848	Long Island.....	Town of Oyster Bay.....	15,000.00
2476	Erie.....	City of Corning.....	2,117.19
2584	N. Y. C.....	Town of Rhinebeck.....	4,743.54
2730	D., L. & W.....	City of Ithaca.....	12,000.00
2805	D., L. & W., L. V., and Erie.....	Town of Cheektowaga and Village of Sloan.....	51,055.99
2923	Long Island.....	Town of Brookhaven.....	8,500.00
3778	N. Y. C.....	City of Ogdensburg.....	6,210.08
4643	Long Island.....	Town of Brookhaven.....	5,500.00
4887	Erie.....	City of Jamestown.....	25,000.00
4965	N. Y. C.....	City of Watertown.....	65,000.00
5005	N. Y. C.....	City of Rochester.....	97,508.99
5118	C. N. E.....	City of Poughkeepsie.....	2,718.83
			<hr/>
			\$411,222.58

In addition to the above amounts there is an undetermined amount of approximately \$35,000 which will have to be paid on

account of the eliminations through Mount Vernon (case No. 254). The Commission anticipated being able to cancel this amount by the sale of railroad lands abandoned. It now appears that this will be impossible.

The distribution of the money already expended in the elimination of grade crossings with respect to the various counties and to the railroads is as follows:

TABLE VIII

County	Amount	Percentage
Albany.....	\$150,995.24	5.984
Allegany.....	3,054.93	0.121
Bronx.....	9,720.51	0.385
Broome.....	92,758.41	3.676
Cattaraugus.....	43,395.33	1.720
Cayuga.....	15,164.56	0.601
Chautauqua.....	96,297.44	3.816
Chemung.....	11,867.01	0.470
Chenango.....	4,301.06	0.170
Clinton.....	.....	.....
Columbia.....	12,114.61	0.480
Cortland.....	2,765.86	0.110
Delaware.....	.....	.....
Dutchess.....	29,371.99	1.164
Erie.....	92,583.16	3.669
Essex.....	.....	.....
Franklin.....	88.38	0.004
Fulton.....	.....	.....
Genesee.....	30,263.01	1.199
Greene.....	.....	.....
Hamilton.....	.....	.....
Herkimer.....	2,694.77	0.107
Jefferson.....	12,856.38	0.509
Kings.....	.....	.....
Lewis.....	.....	.....
Livingston.....	1,807.36	0.072
Madison.....	7,138.36	0.283
Monroe.....	135,948.73	5.388
Montgomery.....	7,811.57	0.310
Nassau.....	55,792.07	2.211
New York.....	.....	.....
Niagara.....	27,309.01	1.082
Oneida.....	157,543.51	6.243
Onondaga.....	25,556.39	1.013
Ontario.....	3,131.16	0.124
Orange.....	52,874.54	2.095
Orleans.....	.....	.....
Oswego.....	14,311.03	0.567
Otsego.....	29,687.10	1.176
Putnam.....	3,929.02	0.156
Queens.....	.....	.....
Rensselaer.....	26,141.30	1.036
Richmond.....	.....	.....
Rockland.....	15,347.17	0.608
St. Lawrence.....	13,789.92	0.547
Saratoga.....	.....	.....
Schenectady.....	411,515.52	16.309
Schoharie.....	.....	.....
Schuyler.....	2,296.96	0.091
Seneca.....	.....	.....
Steuben.....	72,429.19	2.871
Suffolk.....	93,090.24	3.689
Sullivan.....	28,585.13	1.133
Tioga.....	.....	.....
Tompkins.....	2,743.48	0.109
Ulster.....	26,408.82	1.046
Warren.....	.....	.....
Washington.....	.....	.....
Wayne.....	2,100.86	0.083
Westchester.....	686,703.69	27.213
Wyoming.....	9,068.75	0.360
Yates.....	.....	.....

TABLE IX

Railroad	Miles of road in State	Per cent of total road in State	Amount expended	Per cent of total amount expended
N. Y. C.....	2,819.60	35.82	\$1,583,345.14	62.75
Erie.....	950.59	12.08	810,076.20	12.29
D. & H.....	724.42	9.20	172,693.13	6.84
L. I.....	398.36	5.06	148,882.31	5.90
D., L. & W.....	493.55	6.27	¹ 98,733.74	3.91
N. Y., O. & W.....	477.30	6.06	87,430.57	3.47
Penna.....	462.47	5.88	32,233.33	1.28
B., R. & P.....	189.59	2.41	30,626.42	1.21
B. & M.....	122.53	1.56	20,026.55	0.79
U. & D.....	128.88	1.64	14,128.96	0.56
N. Y., C. & St. L.....	72.88	0.93	10,262.04	0.41
C. N. E.....	209.65	2.67	4,882.71	0.19
P., S. & N.....	89.99	1.14	3,054.93	0.12
L. V.....	659.04	8.37	2,743.48	0.11
N. Y., N. H. & H.....	46.53	0.59	2,278.35	0.09
L. & H. R.....	25.20	0.32	1,955.67	0.08
	7,870.58	100.00	\$2,523,353.53	100.00

¹ The total for The Delaware, Lackawanna and Western Railroad Company includes \$49,290.90 expended in case No. 2805, part of which amount is properly chargeable to the Erie and Lehigh Valley Railroad Companies.

The grade crossing problem is so self-explanatory, and the policy of the State so clearly defined, that it does not seem necessary to point out that there should be no cessation of this work. On the other hand, the increasing vehicular traffic demands that the work be extended, and that the crossings on the important trunk line highways be eliminated as rapidly as possible. Eliminations heretofore undertaken have in several cases been necessarily halted on account of the scarcity of labor and materials, and the Commission has considered that it would be unwise to insist that the work be performed. It believes, however, that some of the first work to be undertaken when general construction is possible should be that which has been temporarily suspended; and further, that new determinations should be made as rapidly as the appropriated funds will permit.

DIVISION OF ELECTRIC RAILROADS

By reason of the fiscal year ending December 31st, the annual reports of electric railroad corporations for the year 1918 are not available. All the statistical information contained herein is for the year ended December 31, 1917, which was not included in the last annual report.

There are at present 69 operating electric railroad corporations in this Public Service District. During the year the Adirondack Lakes' Traction Company was sold under foreclosure and ceased operation. The Eastern New York Railroad Company was reorganized and succeeded by the Kaydeross Railroad Corporation.

The following statement shows the electric railroad corporations operating in this Public Service District December 31, 1918, and their operating revenue for 1917, arranged in order of amount of the latter:

<i>Name of Railroad</i>	<i>Operating revenue</i>
New York State Railways.....	\$8,460,002
International Railway.....	8,171,887
United Traction.....	2,458,848
Buffalo and Lake Erie Traction.....	1,721,273
Schenectady Railway.....	1,447,151
Berkshire Street Railway.....	1,058,729
Hudson Valley Railway.....	1,025,715
Yonkers Railroad.....	825,446
Fonda, Johnstown and Gloversville Railroad.....	688,782
Auburn and Syracuse Electric Railroad.....	674,815
Binghamton Railway.....	655,869
Rochester and Syracuse Railroad (yearly estimate \$626,388).....	208,794
Empire State Railroad (yearly estimate \$608,640).....	101,440
Westchester Electric Railroad.....	557,589
New York, Westchester and Boston Railway.....	555,414
Western New York and Pennsylvania Traction.....	482,601
Elmira Water, Light and Railroad.....	456,084
Jamestown Street Railway.....	442,435
Buffalo, Lockport and Rochester Railway.....	440,814
New York and Stamford Railway.....	394,260
Albany Southern Railroad.....	340,811
Southern New York Power and Railroad.....	306,470
Westchester Street Railroad.....	246,023
Poughkeepsie and Wappingers Falls Railway.....	206,726
Ithaca Traction.....	196,066
Orange County Traction.....	194,374
Niagara Junction Railway.....	184,366
Elmira, Corning and Waverly Railway.....	179,461
Jamestown, Westfield and Northwestern Railroad.....	155,941
Kingston Consolidated Railroad.....	151,584
Syracuse and Suburban Railroad.....	151,167
Niagara Gorge Railroad.....	150,114
Chautauqua Traction.....	141,089
Warren and Jamestown Street Railway.....	129,688
Geneva, Seneca Falls and Auburn Railroad.....	107,241

<i>Name of Railroad</i>	<i>Operating revenue</i>
Syracuse Northern Electric Railway (yearly estimate \$103,295)	\$62,890
Waverly, Sayre and Athens Traction.....	101,871
Buffalo Southern Railway.....	95,629
Cortland County Traction.....	92,469
Black River Traction.....	82,794
Corning and Painted Post Street Railway.....	73,712
Wallkill Transit.....	69,398
Peekskill Lighting and Railroad.....	62,389
Fabkill Electric Railway.....	57,331
Hornell Traction.....	55,254
Huntington Railroad.....	45,719
Buffalo and Williamsville Electric Railway.....	41,013
Plattsburgh Traction.....	38,878
Ogdensburg Street Railway.....	37,963
Eastern New York Railroad.....	35,080
New York, Westchester and Connecticut Traction.....	34,374
Rochester & Manitou Railroad.....	30,255
Troy and New England Railway.....	29,824
New Paltz, Highland and Poughkeepsie Traction.....	29,166
Glen Cove Railway.....	27,016
Penn Yan & Lake Shore Railway.....	26,531
Hudson River and Eastern Traction.....	25,756
Port Jervis Traction.....	21,823
Buffalo and Depew Railway.....	17,414
Batavia Traction.....	15,841
Nassau County Railway.....	15,759
Northport Traction.....	11,515
Suffolk Traction.....	11,480
Putnam and Westchester Traction.....	9,786
Babylon Railroad.....	8,300
Paul Smith's Electric Light and Power and Railroad.....	8,144
Adirondack Lakes' Traction.....	6,865
Freeport Railroad.....	5,699
Mount Beacon Inclined Railway.....	

The following tables contain pertinent information concerning the financial status and the results of operation of the above companies for the eight years ended December 31, 1917:

GENERAL STATISTICS OF OPERATING ELECTRIC RAILROAD CORPORATIONS

Item	Year ended December 31, 1910	Year ended December 31, 1911	Year ended December 31, 1912	Year ended December 31, 1913	Year ended December 31, 1914	Year ended December 31, 1915	Year ended December 31, 1916	Year ended December 31, 1917	Per cent of increase or decrease compared with year 1910	Per cent of increase or decrease for year 1917 compared with year 1916
Number miles of track.	2,612	2,740	2,796	2,920	2,938	3,010	3,016	3,009	15.2	D 2
Stock both preferred and common per mile of track	\$123,976,821	\$134,741,976	\$126,216,742	\$117,038,230	\$119,517,280	\$120,326,085	\$120,946,126	\$116,259,183	D 5.3	D 3.3
Funded debt outstanding	47,100	45,500	44,800	40,100	40,700	39,900	39,900	38,700	D 17.8	D 3.0
Funded debt outstanding per mile of track	\$90,606,600	\$89,197,100	\$90,723,100	\$107,622,100	\$121,220,025	\$135,117,990	\$150,931,157	\$143,923,850	58.8	D 4.6
Total fixed capital	24,700	23,600	32,400	36,800	44,800	44,900	53,600	47,800	37.7	D 9.1
Total fixed capital per mile of track	\$208,197,973	\$209,822,398	\$208,431,159	\$228,575,837	\$240,884,868	\$245,741,533	\$250,227,737	\$248,032,691	19.1	D 9
Ratio of funded debt to fixed capital, in per cent	44.4	42.5	43.5	46.2	54.5	65.0	60.3	58.0	30.6	D 3.8
Interest accrued on funded debt	\$4,107,136	\$4,138,533	\$4,228,502	\$5,353,960	\$6,036,632	\$6,431,501	\$6,569,646	\$6,392,568	55.6	D 3.1
Interest accrued on funded debt per mile of track	1.572	1.517	1.515	1.833	2.060	2.140	2.170	2.120	35.5	D 1.8
Average rate of interest accrued, in per cent	4.83	4.57	5.16	4.96	4.60	4.76	4.23	4.70	3.8	8.6
Interest paid on funded debt	\$3,891,650	\$4,045,084	\$4,048,608	\$4,934,183	\$5,444,323	\$5,720,422	\$5,571,748	\$5,695,289	45.2	2.3
Dividends declared	2,152,854	2,779,081	3,646,421	4,184,000	3,767,000	3,785,000	3,098,944	3,186,732	D 7	D 10.9
Dividends declared per mile of track	820	1,010	1,370	1,430	1,280	930	1,030	710	D 12.4	D 31.1
Average rate of dividends declared, in per cent	1.75	2.23	2.82	3.58	3.15	2.32	3.57	1.96	D 12.0	D 23.7
Interest accrued on funded debt and dividends	\$6,259,990	\$8,934,914	\$7,784,923	\$9,556,960	\$9,803,932	\$9,216,501	\$9,638,590	\$9,529,800	53.2	D 1
Interest accrued on funded debt and dividends per mile of track	2,390	2,530	2,790	3,260	3,330	3,070	3,200	3,170	23.7	D 1
Corporate surplus	\$3,324,210	\$6,846,764	\$8,557,794	D \$128,812	D \$1,403,358	D \$1,788,738	D \$6,766,211	D \$6,717,517	D 201.4	D 1
Ratio of operating income to fixed capital, in per cent	5.66	4.19	4.14	3.77	3.86	3.82	3.91	3.44	D 6.0	D 8.7
Ratio of net corporate income to fixed capital, in per cent	1.85	2.05	2.00	.86	.72	.38	.73	.10	D 94.6	D 96.3
Investment (fixed capital) per revenue passenger carried, in cents	52.8	48.9	45.8	50.0	47.8	50.8	46.9	44.2	D 16.2	D 10.0
Passenger revenue	\$53,172,041	\$25,056,795	\$26,211,530	\$28,181,670	\$29,672,998	\$39,389,506	\$31,164,516	\$22,092,722	28.5	3.0
Average fare per revenue passenger, in cents	5.9	5.8	5.8	5.9	5.9	5.9	5.8	5.7	D 3.4	D 1.8

Number revenue passenger cars available for service.....	3,283	3,485	3,710	4,096	4,205	4,198	3,744	3,886	14.8	3.8
Number revenue car-miles.....	93,557,000	96,474,000	97,894,000	102,197,000	106,177,000	103,847,000	105,847,000	108,666,000	13.9	2.7
Number revenue car-miles per mile of track.....	35,800	35,300	35,300	35,000	36,100	34,300	35,200	36,200	11.2	2.8
Revenue passengers.....	394,655,000	428,802,000	455,497,000	476,511,000	504,172,000	484,026,000	533,933,000	560,105,000	41.9	4.9
Transfer passengers.....	104,703,000	113,893,000	119,934,000	124,445,000	128,730,000	124,445,000	135,962,000	140,575,000	34.3	3.4
Revenue and transfer passengers.....	499,357,000	542,695,000	575,431,000	600,956,000	632,902,000	608,471,000	669,895,000	700,680,000	40.4	4.6
Revenue and transfer passengers per mile of track.....	191,000	198,000	206,000	206,000	216,000	202,000	222,000	233,000	22.0	5.0
Revenue and transfer passengers per revenue car-mile.....	5.3	5.6	5.9	5.9	6.0	5.9	6.3	6.5	22.6	3.2
Average revenue and transfer passengers carried per revenue passenger car available.....	147,600	155,700	155,100	147,300	150,600	145,000	179,100	180,400	22.2	.7

D prefixed to a figure denotes a decrease or deficit.

RESULTS OF OPERATION ELECTRIC RAILROADS

Item	Year ended June 30, 1910	Year ended June 30, 1911	Per cent of increase or decrease compared with year 1910	Year ended June 30, 1912	Per cent of increase or decrease compared with year 1910	Year ended June 30, 1913	Per cent of increase or decrease compared with year 1910	Year ended June 30, 1914	Per cent of increase or decrease compared with year 1910	Year ended June 30, 1915	Per cent of increase or decrease compared with year 1910	Year ended June 30, 1916	Per cent of increase or decrease compared with year 1910	Year ended June 30, 1917	Per cent of increase or decrease compared with year 1910	Per cent of increase or decrease year 1917 compared with year 1916
Railroad operating revenues.....	Dollars 24,917,000	Dollars 24,041,000	8.5	Dollars 28,010,000	12.4	Dollars 30,234,000	21.0	Dollars 32,062,000	28.5	Dollars 31,127,000	24.7	Dollars 34,086,000	36.6	Dollars 36,155,000	46.8	6.1
Railroad operating expenses.....	15,977,000	16,796,000	5.0	17,827,000	11.6	19,456,000	20.8	20,741,000	29.7	20,228,000	26.8	22,364,000	39.9	25,319,000	58.5	13.2
Net revenue railroad operations.....	8,940,000	10,245,000	14.6	10,183,000	13.9	10,778,000	20.6	11,321,000	26.7	10,899,000	21.9	11,722,000	31.1	10,836,000	21.2	D 7.6
Railroad tax accruals.....	1,312,000	1,442,000	10.0	1,535,000	17.0	1,784,000	35.9	1,961,000	49.4	1,991,000	51.7	2,105,000	60.4	2,291,000	74.6	8.8
Railroad operating income.....	7,628,000	8,804,000	15.5	8,648,000	13.2	8,993,000	17.8	9,360,000	22.7	8,909,000	16.8	9,617,000	26.0	8,544,000	12.2	D 11.2
Other operations net revenue.....	624,000	642,000	2.9	660,000	5.8	683,000	9.5	735,000	17.8	709,000	13.7	766,000	22.8	753,000	20.7	D 1.7
Non-operating income.....	755,000	981,000	13.0	1,288,000	70.6	608,000	D 19.5	636,000	D 15.8	649,000	D 14.0	573,000	D 24.1	459,000	D 39.2	D 19.8
Gross income.....	9,007,000	10,427,000	15.8	10,597,000	17.5	10,284,000	14.2	10,731,000	19.1	10,267,000	14.2	10,955,000	21.8	9,756,000	8.3	D 10.9
Total interest charges.....	5,141,000	5,293,000	3.0	5,441,000	6.5	7,009,000	36.1	7,656,000	48.7	8,037,000	56.2	7,604,000	47.8	7,858,000	52.8	2.0
Interest accrued on unfunded debt (other interest deductions).....	844,000	879,000	4.2	952,000	12.8	1,251,000	32.5	1,312,000	55.4	1,332,000	53.1	1,379,000	63.4	1,465,000	73.6	6.2
Other deductions from gross income.....	635,000	840,000	32.2	981,000	54.6	1,220,000	92.2	1,338,000	110.8	1,296,000	104.2	1,529,000	140.8	1,661,000	161.7	8.6
Net corporate income.....	3,233,000	4,294,000	32.7	4,174,000	29.2	2,055,000	D 36.4	1,737,000	D 46.3	933,000	D 71.2	1,822,000	D 43.6	238,000	D 92.7	D 86.9

D denotes decrease.

ELECTRIC RAILROAD OPERATING REVENUES AND EXPENSES, WITH SOME OF THE PRINCIPAL ITEMS INCLUDED IN THE LATTER CLASSIFICATION

Item	Year ended June 30, 1910	Year ended June 30, 1911	Year ended June 30, 1912	Year ended June 30, 1913	Year ended June 30, 1914	Year ended June 30, 1915	Year ended June 30, 1916	Year ended June 30, 1917	% of increase or decrease for year 1917 compared with year 1910	% of increase or decrease for year 1917 compared with year 1916
Number miles of road or first main track	1,671	1,908	1,943	1,995	1,995	2,026	2,025	2,018	7.9	D 3
Number miles of track	2,612	2,740	2,796	2,920	2,939	3,010	3,018	3,000	15.2	D 3
Total railroad operating revenues	\$24,917,000	\$27,041,000	\$28,010,000	\$30,234,000	\$32,083,000	\$31,127,000	\$34,036,000	\$36,155,000	45.1	6.1
Average railroad operating revenues per mile of track	9,500	9,900	10,000	10,400	10,900	10,300	11,300	11,800	24.2	4.4
Average railroad operating revenues per revenue car-mile, in cents	26.6	26.6	26.6	26.6	30.2	30.1	32.2	33.7	26.7	4.7
Total railroad operating expenses	\$15,977,500	\$16,796,000	\$17,337,000	\$19,456,000	\$20,741,000	\$20,233,000	\$22,344,000	\$25,319,000	58.5	13.2
Average railroad operating expenses per mile of track	6,100	6,100	6,400	6,700	6,900	6,700	7,400	8,300	34.4	10.8
Average railroad operating expenses per revenue car-mile, in cents	17.1	17.4	18.2	19.0	19.6	19.6	21.1	23.6	38.1	11.9
Railroad operating income	\$7,939,500	\$8,304,000	\$8,648,000	\$8,993,000	\$9,300,000	\$8,902,000	\$9,617,000	\$8,544,000	12.2	D 11.2
Railroad operating income per mile of track	2,900	3,300	3,100	3,100	3,200	3,000	3,300	3,300	D 3.5	D 12.5
Railroad operating income per revenue car-mile, in cents	8.2	9.1	8.8	8.7	8.8	8.6	9.1	7.9	D 3.7	D 13.2
Total maintenance of way and structure expenses	\$2,494,535	\$2,325,451	\$2,753,067	\$2,135,133	\$2,396,393	\$2,124,478	\$2,567,032	\$2,655,668	52.0	4.2
Average maintenance of way and structure expenses per mile of track	950	880	900	1,070	1,160	1,046	1,160	1,310	31.5	4.3
Average maintenance of way and structure expenses per revenue car-mile, in cents	2.6	2.4	2.5	2.1	2.2	2.0	2.2	2.5	31.0	0.1
Total maintenance of equipment expenses	\$1,783,316	\$1,821,653	\$1,968,782	\$2,166,414	\$2,291,017	\$2,240,171	\$2,711,791	\$2,655,102	71.4	12.7
Average maintenance of equipment expenses per mile of track	680	680	719	750	760	749	900	1,010	48.0	12.3
Average maintenance of equipment expenses per revenue car-mile, in cents	1.9	1.9	2.0	2.1	2.2	2.2	2.6	2.9	52.0	11.5
Total power expenses	\$3,005,428	\$3,103,368	\$3,304,685	\$3,506,146	\$3,782,967	\$3,536,145	\$3,634,628	\$4,238,045	41.0	16.0
Average power expenses per mile of track	1,150	1,170	1,150	1,300	1,280	1,190	1,210	1,410	22.0	16.5
Average power expenses per revenue car-mile, in cents	3.2	3.3	3.3	3.4	3.5	3.5	3.4	4.0	24.2	17.0
Total expenses of conductors, motormen, and other trainmen	\$4,710,520	\$5,427,968	\$6,222,812	\$5,617,969	\$5,945,334	\$5,961,994	\$3,554,145	\$7,202,355	52.9	9.9

ELECTRIC RAILROAD OPERATING REVENUES AND EXPENSES, WITH SOME OF THE PRINCIPAL ITEMS INCLUDED IN THE LATTER

CLASSIFICATION (concluded)

Item	Year ended June 30, 1910	Year ended June 30, 1911	Year ended June 30, 1912	Year ended June 30, 1913	Year ended June 30, 1914	Year ended June 30, 1915	Year ended June 30, 1916	Year ended June 30, 1917	% of increase or decrease for year 1917 compared with year 1910	% of increase or decrease for year 1917 compared with year 1916
Average expenses of conductors, motor-men, and other trainmen per mile of track	1.800	1.830	1.870	1.800	2.020	1.960	2.130	2.460	33.3	10.1
Average expenses of conductors, motor-men, and other trainmen per revenue car-mile, in cents	5.0	5.2	5.3	5.4	5.6	5.3	5.2	5.6	32.0	5.5
Total general and miscellaneous railroad expenses	\$2,330,469	\$2,591,136	\$2,713,312	\$2,666,203	\$2,932,939	\$2,180,767	\$2,496,175	\$2,652,299	56.7	4.5
Average general and miscellaneous railroad expenses per mile of track	800	959	970	980	1,000	1,000	1,100	1,210	50.0	4.3
Average general and miscellaneous railroad expenses per revenue car-mile, in cents	2.4	2.7	2.8	2.8	2.8	3.1	3.2	3.5	40.0	6.1
Operating ratio	64.12	62.11	63.85	64.26	64.00	64.99	65.76	70.15	9.4	6.7

D prefixed to a figure denotes a decrease.

ELECTRIC RAILROAD CORPORATIONS, NUMBER PAYING DIVIDENDS, AND REORGANIZATION, FOR THE YEARS SHOWN

Item	Year ended June 30, 1910	Year ended June 30, 1911	Year ended June 30, 1912	Year ended June 30, 1913	Year ended June 30, 1914	Year ended June 30, 1915	Year ended Dec. 31, 1916	Year ended Dec. 31, 1917	Year ended Dec. 31, 1918
Number operating companies.....	80	74	74	70	68	72	69	70	69
Number companies declaring dividends.....	30	26	25	17	18	15	16	12	Note
Per cent of companies declaring dividends.....	25 0	35.1	33.8	24 3	26.4	25.0	23.3	17.2	Note
Number companies in hands of receiver.....	3	.....	.....	.....	.....	.....	.....	7	3
Number companies reorganized by foreclosure.....	.....	.....	.....	.....	.....	.....	.....	6	1
Number companies consolidated for convenience in operation.....	6	.....	.....	.....	.....	.....	.....	2	.....

NOTE.— Information for year 1918 is not yet available.

In the following four statements, the electric railroad companies are divided into four classes: A, B, C, and D. The heading of each table explains the classification of railroads under it.

STATEMENT SHOWING THE NUMBER OF OPERATING ELECTRIC RAILROAD CORPORATIONS THAT DECLARED DIVIDENDS DURING THE YEAR ENDED DECEMBER 31, 1917, AND OTHER FINANCIAL AND OPERATING STATISTICS FOR THAT YEAR

Company	Dividend declared			Rate of dividend		Long term debt	Fixed capital	Track maintained	Operating revenues	Operating expenses	Net corporate income	Ratio of operating revenue to fixed capital	Operating ratio
	Preferred stock	Common stock	Preferred	Common	Preferred	Dollars	Dollars	Miles	Dollars	Dollars	Dollars	%	%
New York State Railways	3,862,500	19,947,000	193,125	398,940	5 0	24,690,500	50,231,709	84,290	597,846,002	5,758,999	824,939	16 8	88 0
International Railway		16,707,500		1,127,750	6 75	28,046,500	43,369,737	106,400	406,781,887	5,046,890	1,133,163	18 9	41 8
Schenectady Railway		4,109,000		153,750	3 75	2,676,000	7,356,423	64,200	114,511,447	986,224	225,180	19 7	88 2
Fonda, Fort Ann and Gloversville Railroad	500,000	2,500,000	30,000		6 0	7,008,000	9,973,800	112,200	88,811,064	318	52,815	16 7	86 6
Western New York and Pennsylvania Traction	599,355		35,861		0 0	2,486,000	5,088,404	51,000	99,8482,601	298,085	28,914	0 5	41 8
Florida Water Light and Railroad	2,600,000	1,000,000	158,000	10,000	1st 7 0 2nd 5 0	3,951,000	1,911,476	40,300	47,6456,084	345,107	170,274	23 8	78 7
Washington Consolidated Railroad	200,000		12,000		6 0	681,000	1,162,720	130,800	8,8131,884	95,171	19,594	13 0	89 7
Warren and Jamestown Street Railway		200,000		12,000		400,000	714,381	35,000	20,4129,688	77,260	16,064	18 2	59 6
Black River Traction		103,000		23,100	23 0		105,000	8,300	12,682,794	78,519	13,800	78 8	94 8
Peekskill Trolley and Railway	300,000		9,000		6 0	646,000	644,863	60,300	10,762,389	69,416	14,589	9 7	111 3
Batavia Traction		10,500		1,000	10 0	14,000	54,857	19,000	2,915,841	9,830	3,488	28 6	62 0
Nassau County Railway		35,000		2,100	6 0		39,880	24,400	1,615,759	11,833	2,489	29 5	75 0

¹ Includes steam railroad operations.
² Includes electric light operations.
³ Paid dividend out of surplus.
D denotes deficit

STATEMENT SHOWING THE NUMBER OF OPERATING ELECTRIC RAILROAD CORPORATIONS THAT HAD A NET CORPORATE INCOME (SURPLUS) FROM OPERATIONS BUT DID NOT DECLARE DIVIDENDS FOR THE YEAR ENDED DECEMBER 31, 1917, WITH OTHER INFORMATION

Company	Fixed capital	Operating revenues	Operating expenses	Net operating revenue	Gross income	Net corporate income	Ratio of operating revenue to fixed capital	Operating ratio
	Dollars	Dollars	Dollars	Dollars	Dollars	Dollars	%	%
Auburn and Syracuse Electric Railroad.....	3,702,183	874,815	428,316	346,499	234,013	94,183	13.2	63.5
Binghamton Railway	3,323,087	655,869	446,545	209,323	212,125	77,823	18.6	68.2
Albany Southern Railroad	3,046,000	340,811	242,324	98,487	128,178	27,783	11.3	71.1
Southern New York Power and Railway..	2,011,566	306,470	201,599	104,872	92,752	20,736	15.2	65.7
Orange County Traction	1,213,172	194,374	133,180	61,194	51,398	3,516	16.0	68.6
Niagara Junction	640,178	124,366	80,281	94,085	82,745	43,193	26.8	49.0
Jamestown, Westfield and Northwestern.....	.....	156,941	141,637	14,315	10,190	5,247	.....	98.8
Syracuse and suburban	1,113,548	151,167	98,168	52,999	41,318	5,930	13.6	64.7
Syracuse Northern El. Railway ¹	1,196,915	62,890	40,083	22,807	17,811	3,723	.....	63.6
Cortland County Traction.....	873,816	92,469	64,065	28,405	37,925	9,246	10.6	69.3
Corning and Painted Post Street Ry	279,578	73,712	43,851	30,161	27,521	16,818	26.4	54.0
Buffalo and Williamsville El. Ry.....	153,730	41,013	29,123	11,891	10,774	1,134	26.7	71.1
Plattsburgh Traction.....	230,176	38,878	28,417	10,461	9,541	2,848	16.9	73.1
Rochester & Manitou.....	134,223	30,256	24,900	5,356	4,241	391	22.5	82.8
Glen Cove	158,690	27,016	21,491	5,525	2,981	1,587	17.0	79.6
Paul Smith's El. Lt. Power and R. R. ²	166,812	8,144	4,800	3,343	92,339	72,045	4.9	59.0

¹ Part of year.

² Includes electric light operations.

STATEMENT SHOWING THE NUMBER OF OPERATING ELECTRIC RAILROAD CORPORATIONS THAT HAD A NET CORPORATE INCOME (DEFICIT) FROM OPERATIONS, AND THE OPERATING RATIO LESS THAN 100 PER CENT, FOR THE YEAR ENDED DECEMBER 31, 1917

Company	Long term debt	Fixed capital	Ratio of operating revenue to fixed capital	Operating revenues	Operating expenses	Net operating revenue	Gross income	Deductions from gross income	Net corporate income (deficit)	Operating ratio
	Dollars	Dollars	%	Dollars	Dollars	Dollars	Dollars	Dollars	Dollars	%
United Traction	5,600,000	11,730,133	21.9	2,453,848	2,055,196	403,653	371,018	466,374	95,356	83.6
Buffalo and Lake Erie Traction	9,631,800	15,923,598	10.8	1,721,273	1,174,713	546,559	494,993	648,008	153,015	68.2
Berkshire Street Railway	1,800,000	10,253,113	10.8	1,058,729	950,854	107,876	84,777	319,138	234,361	89.9
Hudson Valley Railway	5,278,000	9,664,579	10.5	1,025,715	894,064	341,651	304,558	317,797	13,239	66.8
Yonkers Railroad	1,000,000	3,805,191	21.7	825,446	699,726	125,720	143,187	255,129	111,942	77.4
Rochester and Syracuse Railroad	2,512,750	6,931,554	...	208,794	157,298	51,496	42,730	48,913	6,183	...
Empire State Railroad	3,121,200	6,420,801	...	101,440	79,242	22,198	18,436	26,882	8,446	...
Westchester Electric Railroad	500,000	2,788,389	20.0	557,589	440,898	116,691	84,104	177,706	93,602	79.2
New York Westchester and Boston Railway	34,486,260	23,936,379	2.4	555,414	458,693	96,721	D 21,781	1,600,126	1,630,906	82.7
Jamestown Street Railway	300,000	1,197,495	26.9	442,435	378,253	66,182	79,915	107,732	175,013	85.2
Buffalo, Lonsport and Rochester Railway	2,900,000	8,179,290	5.4	440,814	288,291	152,522	134,541	207,645	73,054	65.4
New York and Stamford Railway	1,331,000	1,925,609	20.5	394,260	283,187	111,072	83,419	142,438	59,017	71.8
Poughkeepsie and Wappingers Falls Railway	563,000	1,400,774	14.8	306,726	180,825	125,901	33,471	39,442	5,971	77.8
Ithaca Traction	763,000	1,065,470	18.4	196,066	179,528	16,538	11,431	43,053	31,623	91.6
Elmira Corning and Waverly Railway	1,332,000	1,510,202	11.9	179,461	102,221	77,240	67,068	83,470	16,402	86.9
Niagara Gorge Railroad	949,000	2,168,770	6.9	150,114	109,172	40,942	30,879	57,747	26,868	72.7
Chautauque Traction	600,000	1,250,682	11.3	141,080	129,009	12,081	4,043	62,329	58,286	91.4
Geneva Seneca Falls and Auburn Railroad	525,000	623,816	17.1	107,241	79,858	27,383	21,411	29,281	7,870	74.4
Waverly, Sayre and Athens Traction	460,000	748,324	15.0	101,871	78,775	23,096	19,496	20,293	7,707	77.3
Black River Traction .....	...	105,000	78.8	83,794	78,519	4,274	D 2,642	158	2,800	94.8
Walkill Transit	298,100	719,454	9.6	69,398	56,419	12,979	10,394	15,804	5,211	81.4
Fiabkill Electric Railway	50,000	111,244	51.6	57,331	46,819	10,512	8,421	12,027	8,606	81.8
Hornell Traction	150,000	292,451	18.9	55,254	47,590	7,664	4,576	7,500	2,924	86.1
Ogdensburg Street Railway	150,000	225,646	16.8	37,963	33,952	4,011	1,784	10,176	8,442	89.4
Eastern New York Railroad	153,500	429,391	8.2	35,090	28,502	6,578	5,321	11,063	5,743	90.3
Troy and New England Railway	160,000	386,636	7.7	29,824	19,315	10,509	9,398	10,962	1,564	64.7
New Paltz, Highland and Poughkeepsie Traction	100,000	305,355	14.2	29,166	24,279	4,887	2,656	4,000	1,344	83.2
Penn Yan & Lake Shore	100,000	230,304	11.3	26,351	24,123	2,409	967	6,278	5,311	91.6
Hudson River and Eastern Traction	130,000	254,033	10.1	25,756	23,357	2,399	1,552	10,408	8,855	90.7
Northport Traction .....	...	50,382	22.9	11,515	11,411	105	D 21	749	770	99.1
Suffolk Traction	500,000	1,002,081	1.1	11,480	11,413	68	D 822	1,065	1,907	99.4
Putnam and Westchester Traction	71,000	147,920	6.6	9,786	8,580	1,206	639	3,921	3,283	87.7
Babylon Railroad	12,806	201,812	4.1	8,300	7,439	861	D 2	175	177	89.5
Adirondack Lakes Traction	94,000	142,469	4.8	6,865	6,337	528	178	4,700	4,522	93.2

D denotes deficit

STATEMENT SHOWING THE NUMBER OF OPERATING ELECTRIC RAILROAD CORPORATIONS THAT HAD AN OPERATING RATIO OF MORE THAN 100 PER CENT FOR THE YEAR ENDED DECEMBER 31, 1917

Company	Long term debt	Fixed capital	Ratio of operating revenue to fixed capital	Operating revenues	Operating expenses	Net operating revenue (deficit)	Operating ratio
	Dollars	Dollars	%	Dollars	Dollars	Dollars	%
Westchester Street Railroad.....	243,000	976,024	25.2	246,023	282,480	36,456	114.8
Buffalo Southern Railway.....	630,000	1,177,972	5.3	95,639	98,609	2,970	116.2
Packard Lighting and Railroad.....	646,000	644,803	9.7	62,389	66,416	7,027	111.4
Huntington Railroad.....	26,000	676,651	7.9	45,719	56,812	11,093	124.3
New York, Westchester and Connecticut Traction.....	50,000	358,480	9.5	34,374	40,544	6,170	117.8
Port Jervis Traction	70,000	95,537	22.8	21,823	22,416	592	102.7
Buffalo and Depew.....	360,000	663,083	2.6	17,414	27,005	10,191	158.5
Freeport Railroad.....	50,000	60,235	9.4	5,669	7,772	2,103	137.0

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The foregoing statements are compiled from the annual reports of the corporations submitted to the Public Service Commission. Some of the important features disclosed during the period 1910-17 are as follows:

Reduction in the number of operating companies from 80 to 69 (1918).

Reduction in the number of companies declaring dividends from 20 to 12.

Number of roads sold under foreclosure: none in 1910, 6 in 1917, and 1 in 1918.

The capital stock decreased \$6,717,636, or 5.5 per cent.

The funded debt increased \$53,317,350, or 58.8 per cent.

The fixed capital, or amount invested in the construction and equipment of the roads, increased \$39,834,718, or 19.1 per cent.

The interest accrued on funded debt increased \$2,285,432, or 55.6 per cent.

The operating revenues increased \$11,238,000, or 45.1 per cent.

The operating expenses increased \$9,342,000, or 58.5 per cent.

The net revenue (railway operations) increased \$1,896,000, or 21.2 per cent.

Other operations net revenue increased \$129,000, or 20.7 per cent.

Taxes increased \$979,000, or 74.6 per cent.

Other deductions from gross income increased \$1,026,000, or 161.7 per cent.

Net income decreased \$2,994,000, or 92.7 per cent.

Dividends decreased \$16,122, or 0.7 per cent.

The corporate surplus decreased from \$3,334,310 in 1910 to a deficit of \$6,717,517 in 1917, a reduction of \$10,051,827, or 301.4 per cent.

The number of cars available for service increased 503, or 14.8 per cent.

The number of revenue car-miles increased 15,109,000, or 16.1 per cent.

The passengers carried, revenue and transfer, increased 201,323,000, or 40.4 per cent.

The transfer passengers increased 35,873,000, or 34.3 per cent.

As shown by the tables, some of the important items of increased operating expenses are as follows:

Maintenance of way and structures increased \$1,251,133, or 52.0 per cent.

Maintenance of equipment increased \$1,272,786, or 71.4 per cent.

Power expenses increased \$1,232,617, or 41.0 per cent.

The expenses of conductors, motormen, and other trainmen increased \$2,491,865, or 52.9 per cent.

General and miscellaneous railroad expenses increased \$1,321,610, or 56.7 per cent.

The operating ratio, which is the ratio of operating expenses exclusive of taxes to the operating revenue, increased from 64.12 in 1910 to 70.15 in 1917, an increase of 9.4 per cent.

Deductions Based on the Above Statements: It will be noted that the capital stock of the companies in 1917 was \$116,259,185, which is a decrease of \$3,986,000, or 3.3 per cent, compared with 1916. This decrease was caused largely by the reorganization of the Empire United Railways. This reorganization resulted in the Empire State Railroad Corporation and the Rochester and Syracuse Railroad Company, Inc., whose combined capital stock is \$6,950,000, as compared with the stock of the Empire United Railways, \$11,600,000: a reduction of \$4,650,000.

The funded debt of these railroads in 1917 was \$143,923,950, or \$47,800 per mile of track.

The capital stock per mile of track in 1917 was \$38,700 and the funded debt \$47,800, a total of \$86,500. The apparent fixed capital per mile of track is \$82,600.

During the years mentioned there was an increase in the yearly interest accrued of \$2,717,000, or 52.8 per cent. This includes not only interest on funded debt but on short-term obligations as well.

The apparent fixed capital shown in the above statements for the year 1917, \$248,032,691, is \$2,195,046 less than in 1916. This reduction was caused principally by the reorganization of the Empire United Railways by the requirements of this Commission, which resulted in a reduction of the fixed capital of that company.

Comparison for the years mentioned shows the ratio of funded debt to fixed capital varies from 44.4 per cent to 60.3 per cent. The increase in fixed capital which represents expenditures for betterments for the period was \$39,834,718. The increase in funded debt was \$53,317,350, which indicates that the necessary funds for betterments were secured through the sale of bonds rather than stock. The increase in funded debt, \$13,482,632, which is not represented in fixed capital, no doubt might be accounted for by exchange of bonds for stock in reorganization of companies and expenses in the sale of securities.

In 1910, each dollar of apparent capital invested earned 12 cents in operating revenue; in 1917, 14.6 cents. In 1910, one dollar of operating revenue required an apparent investment of \$8.35; in 1917, \$6.85.

The above statements are based on apparent fixed capital and operating revenue without any deductions. Deducting operating expenses and taxes, and based on the resulting railway operating income in 1910, each dollar of capital invested earned 3.66 cents in railway operating income. In 1917, each dollar invested earned 3.44 cents. On this basis, in 1910, for one dollar of railway operating income there was an apparent investment of \$27.30. In 1917, for one dollar of railway operating income there was an apparent investment of \$29.

The greater part of the increase of 147 miles of road shown is accounted for by the electrification of steam railroads, which puts them into the classification of electric railroads.

A wave of business depression struck this country during the latter part of the year 1914 and extended far into the year 1915. The foregoing statements show a healthy and continuous increase in the operating revenue of these railroad companies with the exception of the year 1915, when there was a decrease compared with the preceding year. The revenue under this classification for the year 1917 was \$36,155,000. Notwithstanding the decrease in the year 1915, this was an increase over the year 1910 of \$11,238,000, or 45.1 per cent. As far as operating revenue alone is concerned, these figures show a prosperous condition which continued through 1918 up to October, after which time it was unfavorably affected by the influenza epidemic.

The tables show some of the important items which go to make up the operating expenses and the amount of each for the different years. The increases in these items for the period are as follows:

Maintenance of way and structures.....	\$1,251,133, or 52.0%
Maintenance of equipment.....	1,272,786, or 71.4%
Power expenses.....	1,232,617, or 41.0%
Expenses of conductors, motormen, and other trainmen.....	2,491,865, or 52.9%
General miscellaneous railroad expenses.....	1,321,610, or 56.7%

In addition to the increased costs in materials and labor shown in these items, a number of the causes of complaints resulting from insufficient and unsatisfactory service, especially during the Winter of 1916-17, can be attributed to the fact that the companies were unable to secure the necessary labor and materials properly to maintain and operate their equipment.

The operating expenses deducted from the operating revenue show a net railway operating revenue with almost continuous slight yearly increases except for the years 1915 and 1917, the total increase in this item for the period being \$1,896,000, or 21.2 per cent. The net revenue from railway operations, exclusive of taxes, for the year 1917 was \$10,836,000. This was earned on an apparent fixed capital of December 31st of that year of \$248,032,691, which was an earning of 4.4 per cent applicable to the payment of taxes, fixed charges, and dividends.

The increase in taxes, which for the period was \$979,000, or 74.6 per cent, is an arbitrary charge against the companies and one which no increased efficiency or change in methods on their part can reduce. On the other hand, as necessary betterments are made, taxes are increased. Illustrating this point, the statements show that during the period the fixed capital or property values of these companies increased \$39,834,718, while the taxes on these properties increased \$979,000, which is an increased tax of 2.5 per cent caused by increased investment.

The maximum net income was in the year 1911, \$4,294,000. From that date there was a continuous decrease in net income with the exception of the year 1916, when there was an increase over the previous year of \$889,000. In 1917 the net income was \$238,000. This was a decrease compared with 1916 of \$1,584,000, or 86.9 per cent, and a decrease for the period of \$2,994,000, or 92.7 per cent.

Dividends were declared each year of the period, the smallest amount being \$2,136,732, in 1917. The maximum was in 1913, \$4,184,000. The 1913 dividend was 1.75 per cent on the fixed capital, or 3.58 per cent on the capital stock. The 1917 dividend was 0.85 per cent on the fixed capital, or 1.84 per cent on the capital stock.

During the year 1917, out of 69 operating companies, there were 12 declaring dividends. The greater part was declared by two companies, the other ten declaring dividends of smaller amounts. These dividends were, however, as a whole, declared to the impairment of corporate surplus, which item at the end of 1917 did not exist except as a deficit. An analysis of the financial statements of each of the companies might show a justification for the dividends declared by the 12 companies involved who might have done so without impairment to their individual corporate surplus.

In the year 1910 the companies, taken as a whole, had a corporate surplus of \$3,334,310. This was increased for the next two years, and in 1912 it amounted to \$8,557,794. At the end of the next year, 1913, this surplus was wiped out, and there was a deficit of \$128,812 in this item. The deficit continued to increase each year to and including 1917, at which time it was \$6,717,517, the total decrease for the period in the corporate surplus being \$10,051,827, or 301.4 per cent.

Increase in Rates of Fare: While the financial condition of electric railroad corporations December 31, 1917, was serious, it has become more so during the year 1918 by reason of conditions growing out of the war. The causes of a rapid and serious impairment of the net incomes of these companies were not to any great extent attributable to falling off in number of passengers carried except in the latter part of the year 1918, when it was adversely affected by the prevailing epidemic of influenza, but were due almost entirely to increased operating expenses.

The above statements do not show all of the increases in operating expenses which during the year 1918 far exceeded those of any other year in the history of these companies. In addition to the advanced cost of materials, wages were substantially increased by order of the National War Labor Board.

The conditions outlined above show that the public as well as

the companies are facing a serious condition in the matter of electric railroad transportation. The well-being of the different communities is to a great extent dependent upon proper street car service. The first step necessary to relief for all interested, which includes the public as well as the companies, is a thorough understanding of existing conditions on the part of all concerned. It is a case where criticism, agitation, or legislation directed only to censure will not avail, nor will it relieve the situation. Whether the net income should be increased by a reduction in fixed charges, decreased operating expenses, increased rate of fare, charge for transfer, or limitations of service, can be determined only after full and careful examination of all the conditions affecting each individual corporation.

A number of the companies have applied to this Commission for permission to increase rates of fare. After thorough investigation of all the conditions, in cases where not restrained by legal restrictions the Commission has, where considered necessary, granted such permission; and in other cases has refused them. Some of the important changes in rates of fare authorized are as follows:

Berkshire Street Railway: Line between Hoosick Falls and New York-Vermont state line has been divided into five 5-cent fare zones instead of three as heretofore.

Albany Southern Railroad: Local one-way fares in excess of 5 cents generally increased; also commutation fares increased. Cash fare, round trip, has been increased from 90 cents to \$1.25. Local fare in Hudson has been increased from 5 cents to 6 cents.

Auburn and Syracuse Electric Railroad: Local one-way fares in excess of 5 cents increased to basis of 2.5 cents per mile.

Buffalo, Lockport and Rochester Railway: Cash fares increased from 2½ cents to 3 cents per mile. Ticket fares increased from approximately 2¼ cents to 2½ cents per mile.

Buffalo Southern Railway: Increase in sixty-trip commutation tickets from \$3.75 to \$4.

Chautauqua Traction: A number of advances in different classes of transportation. Decrease in cash fare between Jamestown and Lakewood.

Elmira, Corning and Waverly: Local one-way fares increased from 5 cents to 6 cents in each zone.

Elmira Water, Light and Railroad: On the Seneca Lake division, fares have been increased to a basis of 2 cents per mile.

Empire State Railroad: Interurban fares have been increased from approximately 2 cents per mile to 2½ cents per mile ticket fares, and 3 cents per mile cash fares.

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Fishkill Electric Railway: Cash fares between certain points have been increased from 5 cents to 6 cents.

Fonda, Johnstown and Gloversville Railroad: Local one-way fares have been increased to a 3 cents per mile basis.

Geneva, Seneca Falls and Auburn Railroad: Local cash fares except within village limits have been increased 20 per cent.

Hudson River and Eastern Traction: Cash fare increased from 5 cents to 6 cents.

International Railway: Increases in fares on some of the interurban divisions.

Jamestown, Westfield and Northwestern Railroad: Increase in mileage tickets.

Ithaca Traction: Cash fare has been increased from 6 cents to 7 cents; eight tickets sold for 50 cents.

Kingston Consolidated Railroad: Slight increase in ticket fares.

Kaydeross Railroad: One-way fares between numerous stations have been increased 5 cents; also increase in commutation book rates.

New Paltz, Highland and Poughkeepsie Traction: Local one-way fares increased.

Niagara Gorge Railroad: Local commutation fares increased approximately 10 per cent.

New York State Railways: Increase in cash and ticket fares on the Oneida Line. Cash fare in the cities of Utica and Syracuse has been increased from 5 cents to 6 cents.

Ogdensburg Street Railway: Cash fare has been increased from 5 cents to 7 cents; six tickets sold for 35 cents; four tickets sold for 25 cents.

Orange County Traction: Cash fares on some parts of the line have been increased from 5 cents to 6 cents.

Peekskill Lighting and Railroad: Charge of 2 cents for transfer from zone 1 to the line of the Putnam and Westchester Traction Co.

Penn Yan & Lake Shore Railway: Cash fare outside of village limits has increased from 6 cents to 7 cents.

Poughkeepsie and Wappingers Falls Railway: Cash fare has increased from 5 cents to 6 cents; other increases.

Putnam and Westchester Traction: Local one-way fare between any two stops within a specified zone increased from 6 cents to 7 cents.

Rochester and Syracuse Railroad: Local one-way fare increased to 3 cents per mile basis.

Southern New York Power and Railway: A number of slight increases.

Syracuse Northern Electric Railway: Local one-way fare has been increased to 3 cents per mile basis with minimum fare of 6 cents.

Syracuse and Suburban Railroad: Cash fares have been increased to 3 cents per mile basis with minimum fare of 6 cents.

United Traction: Cash fares have been increased from 5 cents to 6 cents.

Warren and Jamestown Street Railway: Local one-way fares have been increased 5 cents.

Waverly, Sayre and Athens Traction: Cash fare in Waverly has been increased from 5 cents to 6 cents.

Western New York and Pennsylvania Traction: One-way fares have been increased to a basis of 3.5 cents per mile, and from 5 cents to 7 cents fare in cities and villages.

Nearly all of the above increases have been approved to continue through a period depending upon the date of the declaration of peace.

The present fares in the city zones in the various cities in this Public Service District are as follows:

<i>City</i>	<i>Fare, cents</i>	<i>City</i>	<i>Fare, cents</i>
Albany	6	Mount Vernon	5
Amsterdam	5	Newburgh	6
Auburn	5	New Rochelle	5
Batavia	5	Niagara Falls	5
Beacon	6	North Tonawanda	5
Binghamton	5	Ogdensburg	7
Buffalo	5	Olean	7
Canandaigua	5	Oneida	5
Cohoes	6	Oneonta	5
Corning	5	Oswego	5
Cortland	5	Plattsburgh	5
Dunkirk	5	Port Jervis	5
Elmira	5	Poughkeepsie	6
Fulton	5	Rensselaer	6
Geneva	6	Rochester	5
Glen Cove	5	Rome	5
Glens Falls	6	Salamanca	7
Gloversville	6	Saratoga	6
Hornell	6	Schenectady	5
Hudson	6	Sherrill	5
Ithaca	7	Syracuse	6
Jamestown	5	Tonawanda	5
Johnstown	6	Troy	6
Kingston	5	Utica	6
Lackawanna	5	Watertown	5
Little Falls	5	Watervliet	6
Lockport	5	White Plains	7
Mechanicville	6	Yonkers	5
Middletown	5		

Inspections: The object of inspection of railroads is to insure safe and proper physical conditions. In the case of electric railroads, the inspections made are of two classes: One, a detailed, thorough inspection of track, roadbed, structures, and equipment, on which written reports are filed with the Commission; the other, on roads which have been recently inspected and on which conditions are known, casual inspections, on which detailed reports are not submitted, but where any defects develop they are taken up directly with the company, and improvements in this manner brought about. All railroads are inspected once in two

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years, and a number which require it are inspected more than once each year.

These methods of inspection have been in vogue since the organization of the Public Service Commission, and it is gratifying to state that during that period there has been no failure of structures, nor any serious accident caused by defective track or roadbed on electric railroads except in one case, namely an accident on the Niagara Gorge Railroad caused by retaining wall failure. This road had been frequently inspected, the last one being made shortly before the accident occurred. The nature of this accident was such that the closest inspection possible would not have disclosed the condition which existed, of super-saturation of the earth filling behind the retaining wall.

The roads which have been inspected in one of the above methods during the past year are as follows:

Albany Southern Railroad	Kaydeross Railroad
Auburn and Syracuse Electric Railroad	Kingston Consolidated Railroad
Binghamton Railroad	New Paltz, Highland and Poughkeepsie Traction
Black River Traction	New York and North Shore Traction
Buffalo and Depew Railway	New York and Stamford Railway
Buffalo and Lake Erie Traction	New York State Railways
Buffalo, Lockport and Rochester Railway	New York, Westchester and Connecticut Traction
Buffalo Southern Railway	Niagara Gorge Railroad
Buffalo and Williamsville Railway	Orange County Traction
Chautauqua Traction	Port Jervis Traction
Corning and Painted Post Street Railway	Poughkeepsie and Wappingers Falls Railway
Elmira, Corning and Waverly Traction	Rochester & Manitou Railroad
Elmira and Seneca Lake Traction	Rochester and Syracuse Railroad
Elmira Water, Light and Railroad	Schenectady Railway
Empire State Railroad	Southern New York Power and Railway
Fonda, Johnstown and Gloversville Railroad	Syracuse Northern Railroad
Geneva, Seneca Falls and Auburn Railroad	Syracuse and Suburban Railroad
Hornell Traction	Troy and New England Railway
Hudson Valley Railway	United Traction
Huntington Railroad	Warren and Jamestown Street Railway
International Railway	Westchester Street Railroad
Ithaca Traction	Westchester Electric Railroad
Jamestown Street Railway	Western New York and Pennsylvania Traction
Jamestown, Westfield and Northwestern Railroad	Yonkers Railroad

Notwithstanding the financial disturbances of many companies during the past year, the standard of maintenance on interurban railroads has not been materially reduced. While betterments in some cases are necessary to proper continued operation, such betterments have not been deferred at the expense of safety of operation. Necessary betterments affecting comfort and convenience of passengers have, however, in a number of cases, been deferred on city roads. There is a large amount of track in nearly every city in the District which should be reconstructed. Such reconstruction has been deferred because of the cities delaying paving or re-paving, or by reason of the companies financial condition, and inability to secure materials even if they had the money to pay for them. It is expected that the increased fares granted will in most cases enable companies to make these necessary betterments.

Service and Complaints: Very few if any of the electric railroad corporations in this Public Service District during the Winter of 1916-17 furnished a service complying with all the requirements of comfort and convenience, or with the standards established by the Commission. In most cases this was the result of a combination of circumstances for which the companies could not be held entirely responsible.

During the years 1914-15 this country experienced a period of business depression. There is no industry which is more susceptible to fluctuations in general business conditions than the electric railroad. This is illustrated by the fact that in 1914-15 the total revenue from operation of these roads in this Public Service District was reduced \$935,000, and the number of passengers carried was 24,431,000 less than in the year previous. Commencing the year 1916, the companies generally had a sufficient number of cars to provide for the maximum requirements of travel. During the latter part of that year and the fore part of 1917 an unprecedented increase in travel occurred. This increase in operating revenue in 1917, compared with 1915, was \$5,028,000, and the increase in the number of passengers carried was 92,209,000. This unexpected abnormal increase found the companies unprepared to provide for it. Upon its showing indications of permanency, companies placed orders for necessary

additional cars. These conditions were general throughout the country, and this in turn swamped the manufacturing companies so that they were unable to comply with contract requirements as to date of deliveries. Later, this condition was further aggravated by the Government commandeering the larger car manufacturing plants, with the result that cars which were contracted for delivery in October, 1916, were not received during the year 1917. The same conditions apply to other equipment and materials necessary to operation of roads. This resulted in companies attempting to provide for travel by keeping their equipment in operation continuously without proper overhaul and maintenance, reducing it to such a weakened condition that it broke under the strain of the unusually severe weather conditions of last Winter, causing in some cases 50 per cent of the equipment to be out of service when it was most needed, and the practical breakdown of entire transportation systems.

Since this country entered the war these conditions have become more serious by the resulting increase in the rate of wages paid by industries engaged in the manufacture of war material with which the electric railroad companies have been unable to compete. This affected shop forces, in some cases impairing the mechanical organization of companies on which there was an unusual demand by reason of the large number of crippled and disabled cars. Companies were also unable by this reason to secure the necessary men to operate cars. The attraction of higher wages elsewhere caused serious and continuous changing of the personnel of this force, which disorganized the discipline of the operating department and seriously affected the service furnished. The limited and unsatisfactory service which some of the companies were able to furnish was emphasized by the unusual and increased demands made upon it by the increased number of employees in war munition plants. On account of the character of the labor employed in these plants, a large number of men responding to the call for additional help, temporarily moving to these cities without bringing their families with them, caused most of the increased travel to occur during the rush hours with-

out a corresponding increase in the non-rush hour travel. This wide variation in travel, which is a very unfavorable load factor on the system, is illustrated by the fact that in the early Spring of 1917, in the city of Buffalo, there were approximately eight thousand industrial plant riders tributary to the Elmwood Avenue line, and a year later there were approximately twenty-five thousand. All of this travel took place during the rush hours, and any material increase in what is known as the residential travel during other hours was not apparent on the Elmwood Avenue line. The same conditions prevailed in other cities, especially in Watertown, where the company operating owned thirteen cars. On the outskirts of this city the plant of the New York Air Brake Company is located, beyond walking distance. All of the cars owned by the company were required for the residential travel. The attempt was made, by curtailing the service for this class of travel, to care for the industrial plant riding. Also, the industrial plants located in Ilion two years ago were employing three thousand people, and later were employing eight thousand. These illustrations are given to emphasize the fact that it was in most cases a physical impossibility for the electric railroads to keep pace with the "mushroom" growth of travel which recently developed. Aside from the equities of requiring companies to make the large expenditures necessary to accommodate a travel, most of which would disappear at the termination of the war, if they had the money so to do, and ordered cars, no one could approximate the date of their delivery.

The attempt on the part of the companies to spread their limited equipment to accommodate the industrial plant riding and the regular rush hour travel, which in most cases occurred at the same time and in the opposite directions, resulted in unsatisfactory service for both, and was the cause of energetic and frequent complaints.

All of the conditions referred to received the careful attention of the Commission, by way of analysis and recommendation, and we feel confident that the difficulties referred to are being energetically and intelligently met.

During the year forty-nine complaints against electric railroads,

classified as correspondence complaints, have been received. During that period the Electric Railroad Division investigated sixty-three such complaints. At the beginning of the year there were fourteen complaints of this character open on the records of the Commission. At present there are eight. Of these eight, three are being held open pending full compliance with recommendations, and the other five are now being investigated.

The Electric Railroad Division investigates all correspondence complaints against electric railroads except those referring to rates. In addition, during the year a material portion of the time of this department has been devoted to investigation of conditions on electric railroads which were the subject of formal complaints on which hearings by the Commission were held.

Detailed and extended investigations of traffic conditions have been made by this Division in the cities of Buffalo, Syracuse, Poughkeepsie, White Plains, Mount Vernon, New Rochelle, Utica, Jamestown, Oswego, Fulton, Elmira, Lackawanna; and a number of other cities in less detail. Also, a physical valuation of the properties of the Poughkeepsie and Wappingers Falls Railway Company was made in connection with a rate case.

Nearly all of the reports on investigations contained recommendations for betterments in the service. These in each case have been or are being complied with. As a result, the companies furnishing the major part of the service in the cities of Buffalo and Syracuse have improved their equipment to the extent that they are entering upon this winter's operation with much improved facilities necessary to proper and reasonable service under ordinary winter conditions.

"One-man" Car: In an attempt to reduce operating expenses, some of the companies have introduced in service what is known as "one-man" cars. This car is designed to be operated by one man. It is equipped with all necessary appliances to make it a safe, comfortable, and convenient car. There are a number of lines on the various systems on which there are no heavy grades or grade crossings of steam tracks, where the use of this car fulfills all the requirements of one operated by two men, materially reducing operating expenses, and in some cases during the present high cost of operation continuing service where otherwise it might

have been discontinued. This car is at present in use in the cities of Binghamton, Mount Vernon, and New Rochelle, and in a modified form in some other cities.

Accidents: The Electric Railroad Division, in addition to its other work, investigates all accidents on electric railroads of a character where investigation is deemed necessary. The following tables classify the accidents that occurred during the year under the different headings.

Collisions of Interurban cars for year ended December 31, 1918:

Company	Number collisions	Number killed	Number injured
Auburn and Syracuse Electric Railway.....	1	2	55
Orange County Traction.....	1	.....	3
Western New York and Pennsylvania Traction.....	1	1	18
Totals.....	3	3	76

Derailments of Interurban cars for year ended December 31, 1918:

Company	Number derailments	Number killed	Number injured
Buffalo and Depew Railway.....	1	3	19
Buffalo and Lake Erie Traction.....	4	.....	10
New York State Railways.....	2	.....	14
Troy and New England Railway.....	1	.....	1
Totals.....	8	3	44

Number of persons killed and nature of accidents that occurred on City divisions for the year ended December 31, 1918:

Company	Collisions, cars	Collisions, cars with vehicles	Struck by car
Empire State Railroad.....	1	2
International Railway.....	6	22
New York State Railways.....	5
Plattsburgh Traction.....	1
Schenectady Railway.....	2
Westchester Electric Railroad.....	1	1
Western New York and Pennsylvania Traction.....	1
Totals.....	9	33

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Number of persons killed and nature of accidents that occurred on Interurban divisions for the year ended December 31, 1918:

Company	Collisions		Derailments	Pedestrians struck by cars
	Cars	Cars with vehicles		
Auburn and Syracuse Electric Railroad.....	2	.....	.....	.....
Buffalo and Depew Railway.....	3	.....
Buffalo and Lake Erie Traction.....	8	.....	1
Buffalo, Lockport and Rochester Railway.....	2	.....	.....
Empire State Railroad.....	3	.....	.....
Fonda, Johnstown and Gloversville Railroad.....	3	.....	.....
Hudson Valley Railway.....	1
International Railway.....	1
Jamestown Street Railway.....	2
New York State Railways.....	3	.....	2
Orange County Traction.....	1	.....	1
Rochester and Syracuse Railroad.....	1
Schenectady Railway.....	4	.....	.....
Southern New York Power and Railway.....	1
Western New York and Pennsylvania Traction..	1	2	.....	1
Totals.....	3	26	3	11

Collisions between electric cars and automobiles at grade crossings of highways outside of cities and villages for the year ended December 31, 1918:

Company	Number collisions	Number killed	Number injured
Buffalo and Lake Erie Traction.....	3	4	3
Buffalo, Lockport and Rochester Railway.....	1	2	.....
Empire State Railroad.....	2	2	12
Fonda, Johnstown and Gloversville Railroad.....	1	2	.....
New York State Railways.....	5	1	11
Western New York and Pennsylvania Traction.....	1	1	2
Totals.....	13	12	28
With vehicles other than automobiles:			
Buffalo and Lake Erie Traction.....	2	3	1
Empire State Railroad.....	1	1	.....
New York State Railways.....	2	.....	3
Orange County Traction.....	1	1	3
Schenectady Railway.....	3	3	1
Totals.....	9	8	8

Number of passengers injured while being transported on both urban and interurban electric railways for the year ended December 31, 1918:

Company	Collisions of cars		Swipe of cars	Car fire	Missile thrown through window	Fall in car	Controller trouble	Hit by trolley wheel or pole	Fight in car	Struck by brake-handle	Hand caught in door	Totals
	Head-on	Rear-end										
Black River Traction	2	8										10
Buffalo and Lake Erie Traction	1	7										8
Elmira Corning and Waverly Railway			5									5
International Railway	11	154		10	1	1						177
New York State Railways	6	196				21	30	4	1	1		269
Schenectady Railway	3	7										10
Southern New York Power and Railway		6										6
United Traction	12	91				119	5				8	235
Western New York and Pennsylvania Traction	16											16
Totals	51	400	5	10	1	141	35	4	1	1	8	726

As a result of electric railroad operation in this Public Service District in 1917 there were 86 persons killed; in 1918, 106.

The number of collisions on interurban divisions in 1917 was 12, resulting in 1 killed and 81 injured. In 1918, the number of collisions on this class of railroad was 3, number of persons killed 3, and 76 injured. The number of derailments on interurban roads in 1917 was 6, with no fatalities resulting and 6 persons injured. In 1918, there were 8 derailments, resulting in 3 passengers being killed and 44 injured. On city divisions, in 1917, there were 43 persons killed; in 1918, there were 42. The total number of persons killed as a result of operation on interurban divisions in 1917 was 26; in 1918, 43.

The increased number of accidents and persons killed and injured during 1918, compared with the year previous, is the inevitable result of labor conditions on electric railroads in this Public Service District, which resulted in the employment of a large number of new and inexperienced motormen and conductors.

Automobiles struck by electric cars at grade crossings of highways: For the past two years, the combined efforts of automobile associations and officials of electric railroad corporations, with the aid of the Public Service Commission, have been directed to improving conditions at grade crossings of highways and electric railroads with a view to reducing the number of this class of accident, especially outside of cities and villages. This organized effort resulted in the introduction of a bill in the last Legislature too late for action, but it is understood that the attempt will be made to secure its enactment during the coming session of the Legislature. The necessity for such a course is shown by the fact that outside of cities and villages, during the year 1917, there were 11 collisions between electric cars and automobiles, with 5 persons killed and 17 injured. During 1918, 13 accidents of this character occurred, with 12 persons killed and 28 injured.

In addition to the above, in the same territory, there were 9 collisions with vehicles other than automobiles at these crossings, in which accidents 8 persons were killed and 8 injured.

DIVISION OF LIGHT, HEAT, AND POWER

This Division has general charge of all matters connected with gas, electricity, and steam heat. All manufactured gas is tested at frequent intervals to determine whether it meets the established standards of quality and purity. All gas meters before being placed in service, either initially or after repairs, are tested, and rejected or approved and sealed. Periodic tests are made of the electrical standards used by the operating companies in calibrating consumers' meters. Gas and electric meters installed on consumers' premises are tested if and when the consumer makes special application. Electric plants and overhead lines are inspected with reference to their construction, maintenance, and operation.

Many persons make personal calls at the Commission's offices, and the Division handles a large volume of correspondence covering a wide range of subjects, including that through which most complaints are handled and brought to final settlement without formal proceedings, and thus with a minimum of trouble and expense to all concerned.

This Division coöperates with the Division of Capitalization on questions involving the issuance of securities, making inspections and checks of the physical property, passing on the reasonableness of proposed expenditures, and making appraisals where cost figures are not available. Examinations and reports are made as required in connection with applications to furnish service in new territory, to merge or consolidate existing plants, or to change methods of operation. Special investigations are made of complaints regarding practices or service furnished, and the matters involved are adjusted or reports rendered for the assistance of the Commission.

Rate Cases: There have been and are an unprecedented number of rate cases before the Commission, the obvious reason being that operating costs due to war conditions have tended to cause a general increase in rates, and an increase is generally followed by a complaint from the consumers. Rate cases are always complex and difficult, but the situation, which would otherwise have been overwhelming, has been somewhat mitigated by the fact that in many instances the operating companies have not asked or

expected rates which would pay all operating expenses, and in addition furnish what was considered a fair return upon the whole investment, but have asked only for rates which would permit them to live for the time being, in the hope of better days to come. In such cases it has usually been sufficient to make a very rough check on the investment, and the principal question has been the operating costs actually experienced and to be expected. The question of operating costs has been sufficiently perplexing because they have had the habit of changing over night, and at best the net income which would be yielded next month by a rate fixed today has been largely a matter of conjecture. It has been interesting and encouraging to note, that while increased rates are never enjoyed by the consumers, the public has in general taken a very reasonable attitude and evidenced a disposition to be just and fair.

Without predicting any particular trend, it is safe to say that economic conditions will continue in a state of change for some time to come, and gas and electric rates must of necessity follow to some extent. It may therefore be expected that rate cases will continue in large volume, and as conditions tend to become more stable it will be important to inquire more critically into all the circumstances in order that all possible reduction may be made and that the rates finally established may be those which are just and reasonable.

Plant and Line Inspections: Good progress has been made during the year in inspecting the electric systems of the State. War costs of materials and war scarcity of labor have been the justification for insisting on changes only where conditions have been found actually dangerous. The operating companies in most cases have coöperated very satisfactorily; they seem glad to have the benefit of our assistance toward establishing better and safer service; they have accepted our recommendations gracefully and expressed the intention of adopting such of our suggestions as must be deferred as soon as conditions will permit.

The wisdom of initiating this work is well established. Many companies, particularly the smaller ones, need to be informed on many subjects, while even the larger concerns find it of interest and advantage to get an outside point of view and to have their work

looked at by others than those who have created it. The maze of electric wires spread over our streets and highways, necessary as they are, constitute a condition sufficiently disagreeable, and unless all precautions are taken, one sufficiently dangerous to warrant constant attention and every reasonable effort toward improvement.

Electricity: War work has put a tremendous strain on the electrical business, and war conditions have made the strain unusually difficult to meet. In general, the situation has been handled without much hardship to consumers but there has been little margin of safety. It has been necessary to drive everything at or beyond capacity regardless of its condition or efficiency, and this with labor insufficient and sometimes inexperienced, with coal difficult as to supply and quality, and with all supplies in a precarious condition.

In the western part of the State the situation became especially acute, and in addition to the general priority lists, the War Industries Board felt it necessary in order to protect essential industries to establish specific and detailed priority lists for the whole territory into which Niagara power permeates. In the eastern part, the same situation was rapidly being approached. Our difficulties are not over, and it will be some time before those responsible for the supply of electricity to the homes and industries of the State are able to breathe freely. But there is no doubt that the signing of the armistice has saved many consumers from a curtailment or cessation of their supply during this Winter.

A great deal has been accomplished by interconnection of systems and pooling of resources whereby every possible kilowatt hour, regardless of where or by whom generated, has been made available for use where most needed. The Commission has worked closely with the federal authorities, and has been able, through the special knowledge and information it has, to render considerable assistance toward the common end. A highly commendable spirit of coöperation and willingness to meet the emergency in a large and effective way has been shown by all concerned.

Manufactured Gas: The gas business also has had serious problems to face. In many instances a heavy demand for gas has been made by the industries; almost universally the shortage of

fuel has caused people to turn to gas for assistance in heating their homes; and the result has been a great increase in demand. At the same time, coal, oil, and other gas making materials have been difficult to obtain and often of inferior quality, and the labor situation has been acute. It is little short of marvelous that there have been so few shutdowns, with the hardships and sufferings which invariably attend. There have been lapses from standards of quality, pressure, and purity which could not be tolerated in normal times, but which have in many cases been unavoidable if service was to be maintained at all. It has been out of the question to be narrow or technical under these conditions. The Commission has endeavored to see that established standards were met where they could be, and when that was impossible, that the next best things were done, and believes that in general the consumers have received as good service as conditions permitted.

Gas is more than a convenience. Under modern conditions it is a necessity, and ways must of course be found whereby its supply will be continued in proper quantity and quality, and at reasonable prices. However, raw materials and labor of manufacture make up a larger percentage of the cost of the product delivered than in the case of electricity, and for that reason the gas business is more sensitive to changes in economic conditions such as we have been and are experiencing. Problems in connection with gas supply will continue to be many and serious, both for those who serve and those who regulate.

Natural Gas: Natural gas problems have been discussed at some length in previous reports; they have not diminished nor grown easier of solution. If anyone can devise means of furnishing all consumers with all they want when there is not enough gas to go around, his advice will be heartily welcomed. As the Commission sees the problem, some one has to suffer, and the only question is to determine how to divide the inconvenience and where to curtail the supply.

In the southern part of the State, the Fuel Administration is initiating drastic measures whereby all industrial consumers are cut off, and all domestic consumers are limited to a small quantity. In the western part of the State, the Commission, acting in harmony with the federal authorities, is attempting to remedy or at

least to help the situation by prohibiting the wasteful use in converted coal furnaces during winter months, and curtailing the supply for industrial purposes when necessary in order to give a preference to domestic users.

As the supply of natural gas diminishes, obviously further steps will have to be taken in order that what remains may be used with any degree of satisfaction. These steps must be worked out from time to time as the occasion arises, and the enforcement of them bids fair to be no very pleasant function; the situation has however gone past the point where it can be permitted to continue without strict regulation.

Electric Meters and Standards: During the year three additional types of watt-hour meters have been examined and tested and found to meet the Commission's requirements. On December 26th an order was issued approving the following single-phase meters:

Duncan Electric Manufacturing Company: Induction Meter, Model M-2.

Westinghouse Electric & Manufacturing Company: Induction Meter, Type OA-C.

Sangamo Electric Company: Induction Meter, Type H-1.

Station testing standards owned and in use by the companies were tested as follows: 486 rotating standards; 115 ammeters, voltmeters, and indicating wattmeters; 1 precision wattmeter; 132 master watt-hour meters: total 734. Of this total, 681 were approved as accurate, 13 were disapproved and ordered re-calibrated, and 40 were readjusted by the inspectors.

On complaint of consumers there were tested 29 electric meters, of which 4 were found to be more than 4.0 per cent fast, 2 were found to be more than 4.0 per cent slow, and 23 were found accurate within the allowable limits of error.

The monthly reports filed by corporations of consumers' electric meters tested show results tabulated as follows:

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Month	Corporations			Meters tested			
	Equipped with standards	Making tests	Total meters tested	Total accurate, within 4%	Inaccurate		
					Total in-accurate, more than 4% fast or slow	More than 4% fast	More than 4% slow
1917							
December.....	231	113	8,592	7,768	824	256	568
1918							
January.....	232	101	8,392	7,556	836	272	564
February.....	232	91	8,097	7,310	787	269	518
March.....	233	120	9,595	8,455	1,140	431	709
April.....	233	102	9,962	9,082	880	359	521
May.....	233	99	9,608	8,736	872	316	556
June.....	233	83	8,677	7,701	976	304	672
July.....	233	90	8,717	7,672	1,045	384	661
August.....	233	86	7,609	6,799	810	321	489
September.....	233	76	5,635	5,043	592	241	351
October.....	233	99	5,848	5,215	633	228	405
November.....	231	97	5,672	5,093	579	241	338
Totals.....			96,404	86,430	9,974	3,622	6,352

The following table shows by years the results of meter tests made by the companies:

Year	Number of meters tested	Per cent found correct
1915.....	128,896	90.4
1916.....	137,484	91.2
1917.....	129,774	91.2
1918.....	96,404	89.6

Inspections of Gas: All gas manufactured and sold is required to meet the standards of quality and purity established by the Commission. The larger companies are required to make daily tests of the heating power. The results of these tests are posted for public inspection and are checked from time to time by the Commission's inspectors, who also make frequent tests of gas sold by the smaller companies, and test all gas for purity.

None of the Commission's tests are made at stated intervals, nor is advance notice given to the companies. The statistics regarding gas inspections are given in Appendix E.

Gas Meters and Provers: Every gas meter is tested by inspectors of the Commission prior to its installation for use. Whenever meters are opened, they must be again tested and sealed before being placed in use by the company. Upon its authority to establish rules and regulations to carry into effect the meter testing provisions of the law, the Commission adopted a rule that all gas meters shall be deemed to be correct the registration of which is not more than 2 per cent fast or slow.

For the year, 76,617 meters were verified and sealed as correct within the allowable limits of error above stated, and 1444 were rejected, being more than 2 per cent fast or slow, or unsound. Of the total number sealed, new meters comprised 20.5 per cent, and repaired meters 79.5 per cent. Natural gas companies furnished 24.5 per cent, and manufactured gas companies 75.5 per cent of the total. The following table summarizes the results as to the number of meters found fast or slow, and gives the average percentages of registration:

Meters	Fast		Slow		100% correct, number	Unsound, number
	Num-ber	Aver-age %	Num-ber	Aver-age %		
Error of 2% or less.....	11,035	0.92	47,266	1.17	18,316	.....
Over 2% error.....	718	4.24	483	5.87	.....	24

Upon application of consumers, special tests were made of 95 meters, 36 of which were found to register more than 2 per cent fast or to the prejudice of the consumer. The percentages of error of these meters were as follows: 7 registered 2.5 per cent; 1, 2.75 per cent; 10, 3 per cent; 1, 3.5 per cent; 6, 4 per cent; 2, 4.5 per cent; 4, 5 per cent; 2, 5.5 per cent; 1, 7 per cent; 1, 8 per cent; 1, 9.5 per cent.

Seven of the complaint meters registered more than 2 per cent slow: of these, 1 registered 2.25 per cent; 3, 2.5 per cent; 3, 3 per cent. The remainder of the complaint meters, 52 in number, were found correct within the limits of error.

Six provers were tested for accuracy this year, and 102 corporations are now properly equipped in this respect.

New Gas and Electric Plants: Below is given a list of new corporations which have received permission to construct and exercise franchises. This list does not comprise new corporations resulting from consolidations or reorganizations: these will be found in a succeeding paragraph.

Plant of	Locality	Service
Groton Electric Power Corp.....	Town of Groton.....	Electricity
Hudson Power Corp.....	Rifton.....	Electricity

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Additional Franchises Exercised: Permission given to the following operating corporations to extend their service and exercise rights under new or dormant franchises:

<i>Plant of</i>	<i>New franchises exercised</i>	<i>Service</i>
Adirondack Electric Power Corp.....	Town of Verona.....	Electricity
Earlville Electric Light Co.....	Town of Lebanon.....	Electricity
Groton Electric Power Corp.....	Village of Groton.....	Electricity
Hirschey & Lewis.....	Town of Martinsburg.....	Electricity
	Hamlet of Glendale.....	Electricity
	Hamlet of East Martinsburg.....	Electricity
Morris Light and Power Corp.....	Village of Morris.....	Electricity
Northern New York Utilities, Inc.,.....	Town of Martinsburg.....	Electricity
Otisco Light and Power Co.....	Town of Otisco.....	Electricity
Port Leyden Electric Light and Power Co.	Town of Leyden.....	Electricity
	Village of Port Leyden.....	Electricity
Schenectady Illuminating Co.....	Town of Amsterdam (part).....	Electricity
South Shore Natural Gas and Fuel Co. ...	Village of Mayville	Natural Gas
	Town of Chautauqua.....	Natural Gas
Syracuse Lighting Co.....	Village of Solvay (part).....	Electricity
Union Springs Light and Power Co.....	Town of Springport (part).....	Electricity
	Town of Fleming (part).....	Electricity
	Town of Aurelius (part).....	Electricity
	Village of Union Springs (part).....	Electricity

Changes in operation:

Cohoes Power and Light Corporation permitted to merge the Cohoes Gas Light Company and the Cohoes Company.

Frost Gas Company permitted to acquire all of the capital stock of the Republic Light, Heat and Power Company, Inc.

Ithaca Gas and Electric Corporation authorized to merge the Homer and Cortland Gas Light Company, the Oneonta Light and Power Company, and the Norwich Gas and Electric Company, under the name of New York State Gas and Electric Corporation.

Mohawk Hydro-Electric Company permitted to purchase the property of the Courter Electric Company.

Niagara Falls Power Company authorized to merge the Hydraulic Power Company of Niagara Falls, and the Cliff Electrical Distributing Company, under the name of Niagara Falls Power Company.

Niagara, Lockport and Ontario Power Company permitted to merge the Salmon River Power Company.

Northern New York Utilities, Inc., permitted to acquire the franchises, works, and system of the Wetmore Electric Company.

Orange and Rockland Electric Company permitted to merge the Warwick Valley Light and Power Company.

Ovid Electric Company permitted to acquire all of the capital stock of the Groton Electric Power Corporation.

Republic Light, Heat and Power Company, Incorporated, permitted to acquire franchises, works, and systems of the following companies: Akron Natural Gas Company; Alden-Batavia Natural Gas Company; Attica Natural Gas Company; Fredonia Natural Gas Light Company; Niagara Light, Heat and Power Company; North Buffalo Natural Gas Fuel Company; Ontario Gas Company; Silver Creek Gas and Improvement Company; South Shore Natural Gas and Fuel Company.

Village of Richmondville authorized to acquire the entire lighting system and plant of the Great Bear Light and Power Company east of the Otsego County line, together with the rights and franchises heretofore granted to that company by the Town and Village of Richmondville.

Louise E. Wilson given permission *nunc pro tunc* to acquire the Port Leyden Electric Light and Power Company.

Changes of names:

Suburban Power Company, North Tonawanda, has changed its name to LaSalle Electric Corporation.

Board of Water and Sewer Commissioners of the Village of Watkins has changed its name to Village of Watkins Department of Water, Sewer, and Electric Light.

DIVISION OF TELEGRAPHS AND TELEPHONES

The telegraph corporations and a part of the telephone corporations have been under the supervision of the Commission since the amendment to the Public Service Commissions Law effective September 1, 1910. The simple fact of the enactment of this law specifying certain requirements as well as restraints had the immediate effect of moving the principal telephone interests in the State to set their houses in order, to comply with the admittedly wholesome requirements. It is not to be inferred that the more responsible corporations had wilfully countenanced unfair practices, but there were many irregularities and many discriminations which the better managed corporations were glad to clear up as soon as they were backed by the law. Some companies were burdened by a heavy list of free and reduced rate service, inherited from previous administrations. In general, the statute has had a very marked moral effect, aside from the orders of the Commission, in ironing out discrepancies in rates and in producing more fair and uniform practices. Old rules and regulations have been reviewed and new rules more carefully considered.

During the past eight years the Commission has heard and made orders disposing of some three hundred and forty formal complaints by and against telephone and telegraph corporations, and its orders relative to rates have all been accepted and obeyed with the exception of one case which was carried to court, and the decision of the Commission reversed.

In addition to the formal complaints, upward of four thousand informal complaints have been disposed of through this Division by correspondence or personal investigation of inspectors.

The fairness of rates and the rules and regulations of telephone corporations have been the subjects of most of the complaints. Naturally the decisions of the Commission have not always sustained the complainants, but those aggrieved have had the benefit of a careful investigation and the satisfaction of a judicial decision by an unprejudiced tribunal, even when that decision did not give the relief desired.

Annual reports have from year to year called attention to certain defects in the law, some of which have been remedied while others

remained. It is still a great embarrassment that only a small part of the total number of telephone companies is under the supervision of the Commission. The law now exempts those companies that have not to exceed ten thousand dollars invested in the business. As this works out, we find one small community which happens to be served by a large corporation protected by the supervision of the Commission, having fair rates without discrimination, while a larger neighboring community served by a small company has no redress and must submit to whatever petty or arbitrary terms are imposed by the local irresponsible management. It may be said in general that the larger companies are under the management of broader minded men who realize their responsibility under the law, while in many respects the small companies need the touch of positive regulation to impress upon them that responsibility. There are about one thousand of these small companies now exempted as compared with one hundred under supervision. It would seem better to make no exemption, at the same time leaving it to the discretion of the Commission to relieve the small companies from the burden of making reports and adopting an elaborate system of bookkeeping. The supervision of rates and service would be sufficient. Many complaints against these small companies are received annually, and the Commission is powerless to make investigation and offer relief.

War conditions, with advancing costs, scarcity of labor, followed by government control and the issuance by the Postmaster General of orders restricting installations to war necessities, have brought the general commercial telephone development practically to a standstill. The difficulty of obtaining operators and the priority of government business have adversely affected both the local and long distance service, and the situation has been further complicated during the past months by the epidemic spreading among the operating force and further reducing efficiency. Under these conditions it would be neither reasonable nor fair to be critical of service that in normal times would raise a storm of protest

Early in the year the New York Telephone Company purchased the property and business of the Federal Telephone and Telegraph Company which operated in Buffalo and the western end

of the State. This purchase disposed of the last competitor of importance within the State, and the preliminaries have been arranged for the unifying of other properties heretofore associated with the Federal company, so that we may expect the entire telephone business of the State to be soon within the control of the New York Telephone Company and the smaller companies with which it has connecting agreements. This trend was forecast in our annual report for 1911.

Some ten formal complaints relative to telephone rates are now pending before the Commission. Notable among these are the complaints of the City of Buffalo relative to the new measured service schedule, and the complaints of individuals relative to the extra charges made by hotels and apartment houses in the city of New York. The introduction of the measured service schedule in the city of Buffalo followed the purchase of the Federal company's properties above referred to. Hearings had been begun in this case, but upon assumption by the Government of control of all telephone lines, the city decided that it preferred to postpone its action in view of the legal complications arising from government control and operation. In the matter of hotel and apartment house charges, it is the purpose of the Commission to proceed as soon as possible; but in this connection the attention of the Legislature is directed to the fact that the practices complained of: that hotels and apartment houses are profiteering in the telephone business by re-selling telephone messages at a price far in excess of the price at which they are purchased from the telephone company, and far in excess of the public pay station rate, is not confined to the hotels and apartment houses. This practice has spread to restaurants, department stores, clubs, and possibly elsewhere. Some doubt has heretofore been expressed as to the authority of the Commission to deal with this problem even in the case of hotels, and there would seem to be still more doubt about its authority to cover the entire field. An amendment to the statute covering the re-selling of telephone service by private corporations or individuals might be the best remedy if the Legislature upon investigation deems a remedy necessary.

During the year the activities of the Division have been continued substantially as heretofore reported from year to year.

Inspectors of the Division have made a total of 260 inspections of telephone exchanges. In a large proportion of these inspections, recommendations have been made for the betterment of the service and adopted by the telephone companies. An increasingly larger proportion of time has been devoted to capitalization cases, and most of the time of the general inspectors of the Division has latterly been devoted to this most important work: making inventories and appraisals as a basis for authorizing the issuance of securities. The service testing has been continued in regular routine with results shown in Appendix F.

DIVISION OF TARIFFS

The number of rate, fare, and charge schedules passed into the file this year is 11,236, classified as follows:

Express companies.....	58
Railroad companies:	
Freight, steam.....	7,930
Freight, electric.....	157
Passenger, steam.....	617
Passenger, electric.....	218
Short-term excursion, steam.....	125
Short-term excursion, electric.....	67
Rail and Water lines:	
Freight.....	152
Passenger.....	21
Short-term excursion.....	0
Baggage and Transfer companies.....	2
Gas corporations.....	195
Electrical corporations.....	668
Telephone corporations.....	1,013
Telegraph corporations.....	12
Steam heating corporations.....	1

In addition, there were received copies of several hundred schedules issued by the United States Railroad Administration for account of federal controlled railroads operating within this Commission's jurisdiction, which schedules were not filed with this Commission but were sent for its information by direction of the Director General of Railroads.

It is important that the schedules of railroad corporations operating within this Commission's jurisdiction should form a record comprising a complete history of the transportation rates, fares, and charges from November 1, 1907. The schedules which have been filed with this Commission form such a record up to June 10, 1918, as to passenger fares and baggage charges, and up to June 25, 1918, as to freight rates. After these dates and during period of federal control the schedules applying to New York State traffic were those issued by the United States Railroad Administration, and in order that the history may be complete a method was devised for preserving such schedules so as to include them in the Commission's record.

During the first five months of this year no changes of material importance were made in the passenger fares and baggage charges of steam railroad corporations, but their commodity rates were generally increased by 15 per cent. In June a further general increase was made in substantially all freight rates, passenger

fares, and baggage charges, such increases being those ordered by the Director General of the United States Railroad Administration in his General Order No. 28.

Effective July 15th, the American Railway Express Company (successor Adams Express Company, American Express Company, National Express Company, and Wells Fargo and Company Express) increased by 10 per cent its first- and second-class express rates. In this State the minimum advance in first-class rates was 5 cents per 100 pounds, and the maximum advance was 17 cents per 100 pounds. The advance in second-class rates was 75 per cent of the advance in first-class rates.

In November the President of the United States by proclamation assumed control of the system of transportation conducted by the American Railway Express Company and placed the control and operation with the Director General of Railroads. Notice has been given that effective January 1, 1919, a further advance in first- and second-class express rates will be made. It is intended to advance these rates three scales, and if this is done the increase in this State will be 16 and 17 cents per 100 pounds in first-class rates, and 12 and 13 cents per 100 pounds in second-class rates. The increase in rates which has been made, coupled with that which it is proposed to make, will operate to make a total minimum advance of 22 cents per 100 pounds, and a total maximum advance of 34 cents per 100 pounds, in first-class express rates in this State; and as to second-class rates, the total advance will be 75 per cent of the first-class rates.

Examination of other schedules filed with the Commission discloses that numerous increases have been made in city and interurban fares by electric railroad corporations; and further, that a number of the interurban railroad corporations have discontinued the practice of making fares on a zone basis and adopted a system of fares based on mileage: the Albany Southern; Auburn and Syracuse Electric; Buffalo, Lockport and Rochester; Fonda, Johnstown and Gloversville; Rochester and Syracuse; Syracuse and Northern Electric; Syracuse and Suburban; and Western New York and Pennsylvania Traction companies being among the number making such changes. The electric railroad corporations have also generally increased their rates and charges applying to freight transportation.

More than 50 gas corporations and 85 electrical corporations and municipalities have increased their charges for gas and electric service. All the changes in rates and charges made by electric railroad, gas, and electrical corporations, and municipalities, have been published in the tariff bulletin which the Commission issues each week.

By proclamation of the President issued in August, the Federal Government assumed control and operation of all telephone and telegraph companies and placed them under the direction of Mr. A. S. Burleson, Postmaster General of the United States. The changes of material importance in the rates and charges of these companies were those authorized to be made by the Postmaster General. Other changes in rates and charges were generally of local application, and all such changes were published in the tariff bulletin.

Special permission orders authorizing changes in tariffs and rate schedules on shorter notice than required by the statute were granted, as follows:

Express companies.....	1
Steam Railroad corporations.....	171
Electric Railroad corporations.....	53
Rail and Water carriers.....	9
Baggage and Transfer companies.....	1
Gas corporations.....	22
Electrical corporations.....	14
Telephone corporations.....	3
Telegraph corporations.....	1
	275

In addition to the foregoing, one general special permission, No. 7134, was issued to permit railroad corporations, upon relinquishment from federal control, to file with this Commission, on short notice and in an economical and expeditious manner, copies of their schedules of rates, fares, and charges to be applied to New York State traffic after relinquishment from federal control. The necessity for such special permission arose from the fact that the United States Railroad Administration during period of federal control put into effect schedules of rates, fares, and charges to be applied to New York State traffic, and subsequent to the effective dates of such schedules relinquished several New York State railroads from federal control. In making such relinquish-

ment no effective date thereof was specified, and it was not until November that this Commission had any authentic information as to what railroads had been relinquished from federal control. This action of the Federal Government has created a condition extraordinary and without precedent, and it was felt that a duty devolved upon this Commission to provide a method whereby carriers subject to its jurisdiction could promptly file with it copies of their rate schedules as required by the statutes.

January 1, 1919.

CHARLES B. HILL,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

APPENDIX A

**RESULTS OF OPERATIONS, FINANCIAL AND TRAFFIC TOTALS SUM-
MARIZED BY YEARS: STEAM RAILROAD CORPORATIONS, ELECTRIC
RAILROAD CORPORATIONS, ELECTRICAL CORPORATIONS, ELEC-
TRICAL AND GAS CORPORATIONS, COAL GAS AND WATER GAS
CORPORATIONS, NATURAL GAS CORPORATIONS, AND TELEPHONE
CORPORATIONS.**

PUBLIC SERVICE COMMISSION, SECOND DISTRICT

STEAM RAILROAD CORPORATIONS: Results of operations of steam railroads, totals summarized by years.
Last figures omitted except in "Miles of road operated"; D prefixed to a figure denotes a decrease; L, a net loss.

Year ended	Per cent of increase or decrease		Amount	Per cent of increase or decrease		Amount	Per cent of increase or decrease		Amount	Per cent of increase or decrease	
	Compared with preceding year	Compared with first year of series		Compared with preceding year	Compared with first year of series		Compared with preceding year	Compared with first year of series		Compared with preceding year	Compared with first year of series
Railway operating revenues*											
June 30, 1907	D 0.5	D 0.5	569,246	D 2.8	D 2.4	152,639	D 2.8	D 2.4	56,976	D 4.4	D 4.4
June 30, 1908	D 8.1	D 8.6	586,412	13.8	5.9	149,334	13.8	5.9	64,015	D 6.9	D 11.0
June 30, 1909	12.0	9.2	554,758	D 10.4	20.5	161,588	D 10.4	20.5	59,628	48.2	31.9
June 30, 1910	1.9	11.2	621,413	1.2	9.3	183,867	1.2	9.3	88,375	D 9.8	19.0
June 30, 1911	2.7	14.2	633,242	8.8	18.9	164,785	8.8	18.9	79,680	29.7	54.2
June 30, 1912	10.4	26.1	650,117	D 12.6	D 3.4	166,811	D 12.6	D 3.4	103,354	D 19.8	24.7
June 30, 1913	D 2.9	22.4	717,988	11.0	7.5	181,563	11.0	7.5	83,546	D 13.0	8.5
June 30, 1914	D 0.7	21.5	698,923	47.6	58.7	147,833	47.6	58.7	72,648	D 14.1	D 6.8
June 30, 1915	18.5	44.0	691,723	D 1.8	55.7	164,119	D 1.8	55.7	62,392	1.9	D 5.1
June 30, 1916	4.8	50.9	819,441	D 20.8	23.3	242,174	D 20.8	23.3	65,218	2.6	D 8.6
December 31, 1916	8.8	64.1	858,776			237,714			63,765		
December 31, 1917			934,061			188,165					
Railway operating expenses*											
June 30, 1907	0.4	0.4	400,014	56.3	56.3	30,017	56.3	56.3	418,601	D 8.5	D 8.5
June 30, 1908	D 6.7	D 6.4	401,470	D 4.3	49.6	60,976	D 4.3	49.6	382,814	D 11.0	D 11.0
June 30, 1909	10.6	3.6	374,516	18.8	77.7	58,390	18.8	77.7	372,321	16.2	3.4
June 30, 1910	7.1	11.0	414,339	4.3	86.2	60,333	4.3	86.2	433,039	0.4	3.9
June 30, 1911	2.5	13.8	443,994	3.3	91.5	72,299	3.3	91.5	434,980	3.0	7.0
June 30, 1912	11.4	26.7	455,192	7.5	106.0	74,727	7.5	106.0	447,975	12.5	20.4
June 30, 1913	1.9	29.1	507,017	D 10.7	83.7	80,366	D 10.7	83.7	504,108	D 6.1	11.3
June 30, 1914	D 3.6	24.4	518,457	D 15.6	55.0	71,661	D 15.6	55.0	473,328	20.1	0.1
June 30, 1915	9.8	30.7	497,811	12.9	74.9	60,476	12.9	74.9	418,982	3.2	20.2
June 30, 1916	7.6	47.1	548,703	10.6	93.5	69,251	10.6	93.5	503,162	3.3	24.1
December 31, 1916	20.0	76.5	588,250	8.5	109.8	73,490	8.5	109.8	519,497		25.2
December 31, 1917			705,974			81,875			536,623		
Net revenue, railway operations											
June 30, 1907	D 8.5	D 8.5	169,233	9.7	9.7	191,656	9.7	9.7	56,286,650	3.6	3.6
June 30, 1908	9.3	6.5	164,942	4.6	14.8	210,310	4.6	14.8	58,306,592	D 3.6	0.9
June 30, 1909	14.9	23.4	180,243	15.1	23.1	219,969	15.1	23.1	56,793,557	13.1	14.1
June 30, 1910	D 8.6	11.8	207,074	D 6.4	23.7	253,200	D 6.4	23.7	64,236,802	2.8	14.2
June 30, 1911	8.0	15.2	189,248	8.4	26.9	237,064	8.4	26.9	64,285,634	14.2	17.5
June 30, 1912	D 14.5	6.6	194,925	D 16.8	17.2	241,539	D 16.8	17.2	66,111,863	D 6.4	24.1
June 30, 1913			210,972			261,929			75,499,483		25.5
June 30, 1914			190,465			219,494			70,653,903		19.7
June 30, 1915			193,913			224,595			67,353,305		
Tons of revenue freight carried											
June 30, 1907	D 8.5	D 8.5	418,601	3.6	3.6	418,601	3.6	3.6	56,286,650	3.6	3.6
June 30, 1908	D 11.0	D 11.0	382,814	13.1	13.1	382,814	13.1	13.1	58,306,592	14.1	14.1
June 30, 1909	16.2	3.4	372,321	0.4	3.9	372,321	0.4	3.9	56,793,557	2.8	17.5
June 30, 1910	3.0	7.0	433,039	13.5	20.4	433,039	13.5	20.4	64,236,802	14.2	24.1
June 30, 1911	20.1	0.1	434,980	D 6.1	11.3	434,980	D 6.1	11.3	64,285,634	D 6.4	25.5
June 30, 1912	20.4	0.1	447,975	20.1	24.1	447,975	20.1	24.1	75,499,483	D 4.7	19.7
June 30, 1913	11.3	0.1	504,108	3.2	20.2	504,108	3.2	20.2	67,353,305		
June 30, 1914	0.1	20.2	473,328	3.3	25.2	473,328	3.3	25.2			
June 30, 1915	20.2	24.1	418,982			418,982					
June 30, 1916	24.1	25.2	503,162			503,162					
December 31, 1916			519,497			519,497					
December 31, 1917			536,623			536,623					

APPENDIX A: RESULTS OF OPERATIONS

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June 30, 1916.....	372,737	40.6	61.2	310,433	38.2	62.0	82,976,920	23.2	47.4
December 31, 1916.....	270,526	D 0.8	50.9	313,204	0.9	63.4	86,682,900	4.5	54.0
December 31, 1917.....	228,087	D 16.7	34.8	270,040	D 13.8	40.9	90,978,776	5.0	61.6
Auxiliary operations, net revenues*									
June 30, 1907.....	2,202	.....	.....	52,495	.....	.....	325,473	.....	.....
June 30, 1908.....	2,163	D 1.8	.....	64,092	22.1	22.1	350,452	7.7	7.7
June 30, 1909.....	664	D 69.3	D 1.8	69,443	8.3	32.3	342,258	D 8.5	5.2
June 30, 1910.....	718	8.1	D 69.8	68,497	D 1.4	30.5	371,380	8.5	14.1
June 30, 1911.....	934	30.1	D 67.6	66,966	D 2.2	27.6	378,045	1.8	16.1
June 30, 1912.....	314	D 66.4	D 86.7	67,470	0.8	28.5	387,744	2.6	19.1
June 30, 1913.....	.....	.....	D 186.8	71,128	5.4	35.5	404,767	4.4	24.4
June 30, 1914.....	.....	.....	.....	76,375	7.4	45.5	409,209	1.1	25.7
June 30, 1915.....	.....	.....	.....	80,512	5.4	53.4	381,321	D 6.8	17.2
June 30, 1916.....	.....	.....	.....	83,567	3.8	59.2	396,188	3.9	21.7
December 31, 1916.....	.....	.....	.....	81,980	D 1.9	56.2	416,630	5.2	23.0
December 31, 1917.....	.....	.....	.....	84,689	3.3	61.3	442,144	6.1	35.8
Uncollectible railway revenues									
June 30, 1907.....	.....	.....	.....	65,852	D 1.2	D 1.2	7,721,772	.....	.....
June 30, 1908.....	.....	.....	.....	65,064	D 3.1	D 4.2	8,258,291	6.9	6.9
June 30, 1909.....	.....	.....	.....	63,056	D 12.0	D 15.7	8,094,209	D 2.0	4.8
June 30, 1910.....	.....	.....	.....	55,483	6.6	D 10.2	8,792,337	8.6	13.9
June 30, 1911.....	.....	.....	.....	59,133	1.7	D 8.7	9,026,164	2.7	16.9
June 30, 1912.....	.....	.....	.....	60,135	4.8	D 4.5	9,251,333	2.5	19.8
June 30, 1913.....	.....	.....	.....	63,028	1.7	D 2.6	9,754,389	5.4	26.3
June 30, 1914.....	.....	.....	.....	64,125	4.3	1.6	9,902,213	D 1.5	28.2
June 30, 1915.....	100	43.0	.....	66,901	14.4	16.2	9,080,011	3.8	17.6
June 30, 1916.....	143	D 23.8	9.0	76,540	5.9	23.1	9,423,658	5.5	22.0
December 31, 1916.....	109	3.7	13.0	81,081	0.3	23.5	9,942,442	9.8	28.8
December 31, 1917.....	113	.....	.....	81,327	.....	.....	10,915,357	.....	41.4
Revenue passenger-miles									
June 30, 1907.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1908.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1909.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1910.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1911.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1912.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1913.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1914.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1915.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1916.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
December 31, 1916.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
December 31, 1917.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Operating ratio %									
June 30, 1907.....	16,594	.....	.....	73,309	.....	.....	70.27	.....	.....
June 30, 1908.....	17,811	7.3	7.3	81,164	10.7	10.7	70.89	.....	.....
June 30, 1909.....	20,818	16.9	25.4	87,470	7.8	19.3	67.53	8,395	8,414
June 30, 1910.....	23,871	14.7	43.9	129,220	47.7	76.3	66.69	8,415	8,452
June 30, 1911.....	25,200	5.6	51.8	110,965	D 14.1	51.4	70.13	8,455	8,463
June 30, 1912.....	29,048	15.3	75.0	113,933	2.7	55.4	70.03	8,474	8,484
June 30, 1913.....	29,723	2.3	79.1	127,773	12.1	74.3	74.12	8,453	8,444
June 30, 1914.....	30,720	3.4	85.1	78,994	D 38.2	7.8	71.97	8,353	8,353
June 30, 1915.....	29,693	D 3.5	78.9	77,181	D 2.5	5.3	66.72	.....	.....
June 30, 1916.....	30,420	2.4	83.3	150,327	94.8	105.1	68.50	.....	.....
December 31, 1916.....	32,703	7.5	97.1	150,143	D 0.1	104.8	75.58	.....	.....
December 31, 1917.....	39,809	21.7	139.9	104,024	D 30.7	41.9	.....	.....	.....
Railway tax accruals									
June 30, 1907.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1908.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1909.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1910.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1911.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1912.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1913.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1914.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1915.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
June 30, 1916.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
December 31, 1916.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
December 31, 1917.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

* By the accounting classification in effect after June 30, 1914, the revenues and expenses formerly classed as auxiliary operations were thrown into railway operating revenues and expenses.

ELECTRIC RAILROAD CORPORATIONS: Results of operations of electric railroads, totals summarized by : year.
 Last three figures omitted except in "Miles of road operated"; D prefixed to a figure denotes a decrease.

Year ended	Per cent of increase or decrease		Amount	Per cent of increase or decrease		Amount	Per cent of increase or decrease		Amount
	Compared with preceding year	Compared with first year of series		Compared with preceding year	Compared with first year of series		Compared with preceding year	Compared with first year of series	
	Railway operating revenues			Other operations, net revenues			Net income		
June 30, 1907	19,774	.....	.....	333	.....	.....	2,870
June 30, 1908	9.3	21,517	.....	50.8	502	.....	D 22.5	2,229
June 30, 1909	13.0	22,354	.....	64.6	548	.....	D 11.8	2,632
June 30, 1910	26.0	24,917	.....	87.4	624	.....	27.6	3,232
June 30, 1911	36.8	27,041	.....	92.8	642	.....	32.9	4,294
June 30, 1912	41.7	28,010	.....	98.3	680	.....	D 2.8	4,174
June 30, 1913	52.9	30,234	.....	105.1	683	.....	D 60.8	2,055
June 30, 1914	62.1	32,062	.....	120.7	735	.....	D 16.5	1,737
June 30, 1915	57.4	31,127	.....	112.9	709	.....	D 46.5	933
June 30, 1916	65.2	32,656	.....	124.6	746	.....	72.2	1,007
December 31, 1916	72.4	34,066	.....	130.0	766	.....	13.4	1,822
December 31, 1917	82.8	36,155	.....	126.1	753	.....	D 86.9	2,238
	Railway operating expenses			Non-operating income			Dividends during year		
June 30, 1907	12,736	.....	.....	433	.....	.....	1,600
June 30, 1908	12.5	14,333	.....	D 26.1	320	.....	29.1	2,065
June 30, 1909	16.6	14,844	.....	115.9	935	.....	6.1	2,191
June 30, 1910	25.4	15,977	.....	D 19.5	755	.....	D 1.7	2,153
June 30, 1911	31.9	16,796	.....	126.6	981	.....	28.9	2,776
June 30, 1912	40.0	17,827	.....	197.8	1,288	.....	27.7	3,516
June 30, 1913	52.8	19,456	.....	D 62.8	606	.....	18.0	4,183
June 30, 1914	58.8	20,741	.....	4.6	636	.....	D 8.9	3,767
June 30, 1915	67.4	20,228	.....	D 4.6	649	.....	D 67.1	2,785
June 30, 1916	75.6	21,318	.....	D 7.6	620	.....	7.2	2,965
December 31, 1916	98.8	22,384	.....	D 19.9	573	.....	4.6	3,123
December 31, 1917	25,319	.....	.....	459	.....	D 31.6	2,137
	Net revenues, railway operations			Gross income			Passengers (cars and transfers)		
June 30, 1907	7,038	.....	.....	6,917	.....	.....	418,622
June 30, 1908	3.5	7,284	.....	1.8	7,043	.....	7.2	448,846
June 30, 1909	6.7	7,510	.....	11.2	7,832	.....	3.0	462,455
June 30, 1910	27.0	8,940	.....	15.6	9,007	.....	8.0	499,357
June 30, 1911	45.6	10,245	.....	15.8	10,427	.....	8.7	542,695

APPENDIX A: RESULTS OF OPERATIONS

[illegible]

ELECTRICAL CORPORATIONS having revenues of \$25,000 or over: Results of operations, totals summarized by years.
D prefixed to a figure denotes a deficit

Item	Years ended December 31,									
	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917
Number of corporations.....	40	45	50	46	53	59	63	63	67	73
Electric operating revenues.....	\$7,407,812	\$8,354,365	\$9,810,380	\$9,867,843	\$11,409,363	\$12,837,254	\$12,957,808	\$13,731,563	\$15,294,127	\$18,094,943
Electric operating expenses and uncol. bills.....	\$4,275,642	\$5,144,108	\$6,796,964	\$5,511,905	\$6,363,533	\$7,112,064	\$7,303,169	\$7,742,145	\$8,340,049	\$10,814,600
Per cent of electric operating revenues.....	57.7%	61.0%	69.1%	55.8%	55.8%	55.4%	56.4%	56.4%	54.8%	57.9%
Taxes, electric.....	\$349,123	\$367,945	\$407,210	\$461,218	\$525,740	\$577,319	\$640,838	\$700,085	\$765,610	\$1,063,513
Per cent of electric operating revenues.....	4.7%	4.4%	4.1%	4.7%	4.6%	4.5%	4.9%	5.1%	5.2%	5.7%
Electric operating income.....	\$2,793,031	\$2,842,332	\$3,006,191	\$3,894,721	\$4,821,119	\$5,147,829	\$5,011,785	\$5,289,349	\$6,168,468	\$6,786,770
Per cent of electric operating revenues.....	37.6%	34.0%	30.8%	39.5%	39.0%	40.1%	38.7%	38.5%	40.3%	36.4%
Other operations, net revenue.....	\$80,045	\$436,609	\$50,239	\$31,020	\$32,713	\$33,485	\$1,005	\$35,453	\$249,131	\$319,902
Non-operating income.....	\$842,615	\$706,553	\$707,792	\$784,964	\$922,000	\$769,304	\$1,042,447	\$1,135,333	\$1,420,274	\$133,393
Gross income.....	\$3,505,694	\$3,985,798	\$4,373,210	\$4,731,337	\$5,476,916	\$5,950,600	\$6,055,236	\$6,460,133	\$7,846,873	\$7,531,000
Interest charges.....	\$2,769,100	\$2,557,511	\$2,578,155	\$2,348,179	\$3,378,885	\$2,411,185	\$2,440,233	\$2,540,840	\$2,731,530	\$2,883,937
Per cent of gross income.....	79.0%	64.1%	59.0%	49.8%	43.3%	40.5%	40.3%	39.3%	34.8%	38.3%
Other deductions, gross income.....	\$132,920	\$144,328	\$127,561	\$63,020	\$81,043	\$100,145	\$156,130	\$456,298	\$687,716	\$367,709
Per cent of gross income.....	3.8%	3.6%	2.9%	1.4%	1.5%	1.7%	2.6%	7.1%	8.8%	4.9%
Net income.....	\$302,676	\$1,285,959	\$1,667,593	\$2,319,538	\$3,021,965	\$3,439,161	\$3,558,960	\$3,462,891	\$4,427,577	\$4,280,310
Per cent of gross income.....	17.2%	32.3%	38.1%	49.0%	55.2%	57.8%	58.8%	53.6%	56.4%	56.8%
Dividends during year.....	\$551,132	\$544,079	\$659,271	\$1,129,464	\$1,226,719	\$1,335,082	\$1,438,933	\$1,399,773	\$1,674,166	\$1,748,980
Per cent of gross income.....	15.7%	13.8%	15.3%	23.7%	22.4%	22.4%	23.8%	21.7%	21.5%	23.3%

Municipal plants omitted.

APPENDIX A: RESULTS OF OPERATIONS

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ELECTRICAL AND GAS CORPORATIONS having revenues of \$25,000 or over in either Electric or Gas department: Results of operations, totals summarized by years. D prefixed to a figure denotes a deficit.

Item	Years ended December 31.										
	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	
Number of corporations.....	23	25	28	29	28	30	40	41	41	43	
Electric operating revenues.....	\$5,688,612	\$6,404,805	\$7,373,530	\$8,909,835	\$10,118,386	\$10,974,061	\$11,719,746	\$13,087,089	\$15,323,216	\$17,009,129	
Electric operating expenses and uncol. bills.....	\$3,059,379	\$3,896,904	\$4,917,866	\$5,028,647	\$5,453,617	\$6,041,394	\$6,390,581	\$6,537,137	\$8,006,735	\$10,078,667	
Per cent of electric operating revenues.....	53.7%	56.3%	54.5%	56.1%	55.9%	55.1%	53.7%	49.9%	52.3%	57.0%	
Taxes, electric.....	\$315,144	\$331,453	\$375,722	\$468,539	\$541,133	\$595,473	\$637,367	\$741,534	\$892,519	\$1,123,315	
Per cent of electric operating revenues.....	5.6%	5.2%	5.1%	5.3%	5.3%	5.4%	5.4%	5.7%	5.8%	6.4%	
Electric operating income.....	\$2,317,083	\$2,488,506	\$2,908,397	\$3,473,329	\$3,922,513	\$4,337,390	\$4,790,796	\$5,818,400	\$6,483,906	\$6,477,394	
Per cent of electric operating revenues.....	40.7%	38.8%	40.4%	38.7%	38.8%	39.5%	40.9%	44.4%	42.3%	38.0%	
Gas operating revenues.....	\$5,106,000	\$5,419,931	\$6,010,510	\$6,498,687	\$7,191,633	\$7,638,139	\$7,363,123	\$8,065,895	\$8,597,350	\$9,078,797	
Gas operating expenses and uncol. bills.....	\$3,399,023	\$3,265,061	\$3,543,056	\$3,919,670	\$4,476,303	\$4,945,396	\$5,096,544	\$4,978,090	\$5,538,123	\$7,003,413	
Per cent of gas operating revenues.....	65.9%	60.0%	58.9%	60.3%	62.2%	65.6%	64.8%	61.4%	62.8%	71.1%	
Taxes, gas.....	\$305,649	\$335,146	\$347,404	\$384,065	\$449,137	\$499,815	\$518,209	\$548,871	\$611,604	\$725,323	
Per cent of gas operating revenues.....	5.9%	6.0%	5.8%	5.9%	6.3%	6.6%	6.6%	6.8%	6.9%	7.9%	
Gas operating income.....	\$1,823,321	\$1,841,710	\$2,120,054	\$2,194,028	\$2,396,325	\$2,092,919	\$2,247,347	\$2,579,931	\$2,967,625	\$2,160,037	
Per cent of gas operating revenues.....	31.2%	34.0%	35.3%	33.8%	31.5%	27.8%	30.6%	31.8%	30.3%	21.8%	
Other operations, net revenues.....	\$399,440	\$348,333	\$377,454	\$375,191	\$390,453	\$423,442	\$393,000	\$302,314	\$338,936	\$342,693	
Non-operating income.....	\$390,109	\$407,094	\$501,024	\$549,363	\$554,172	\$395,913	\$431,767	\$464,308	\$417,359	\$398,833	
Gross income.....	\$4,435,955	\$5,074,243	\$5,079,429	\$5,580,806	\$7,140,403	\$7,250,552	\$7,861,914	\$9,150,441	\$9,317,822	\$9,278,681	
Interest charges.....	\$2,771,325	\$2,991,664	\$3,177,196	\$3,594,804	\$3,947,793	\$4,010,330	\$4,288,320	\$4,585,358	\$4,599,361	\$4,941,610	
Per cent of gross income.....	62.5%	59.0%	62.6%	64.4%	55.3%	55.3%	54.6%	50.1%	49.6%	53.2%	
Other deductions, gross income.....	\$30,491	\$35,963	\$94,016	\$141,526	\$135,423	\$156,343	\$196,705	\$191,707	\$263,781	\$261,411	
Per cent of gross income.....	0.9%	0.7%	1.0%	2.1%	1.9%	2.2%	2.5%	2.1%	2.7%	2.8%	
Net income.....	\$1,634,639	\$2,046,593	\$2,707,615	\$2,844,789	\$3,057,189	\$3,083,869	\$3,373,796	\$4,363,380	\$4,955,680	\$4,175,659	
Per cent of gross income.....	36.6%	40.3%	45.3%	38.8%	42.8%	42.5%	42.9%	47.8%	50.5%	45.0%	
Dividends during year.....	\$1,199,013	\$871,807	\$1,667,758	\$2,323,413	\$2,424,705	\$2,223,099	\$3,027,907	\$5,700,811	\$3,929,015	\$3,984,283	
Per cent of gross income.....	27.0%	17.2%	32.2%	43.8%	34.0%	30.8%	46.1%	62.3%	39.8%	32.9%	

COAL GAS AND WATER GAS CORPORATIONS having revenues of \$25,000 or over: Results of operations, totals summarized by years.
D prefixed to a figure denotes a deficit.

Item	Years ended December 31									
	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917
Number of corporations.....	15	14	15	14	11	11	13	12	13	14
Coal gas and water gas operating revenues.....	\$1,844,097	\$1,820,209	\$2,009,843	\$1,986,705	\$1,915,407	\$1,984,728	\$2,134,029	\$2,116,046	\$2,363,352	\$2,637,223
Coal gas and water gas operating expenses and uncollectible bills.....	\$1,082,463	\$1,049,909	\$1,145,850	\$1,174,741	\$1,171,794	\$1,280,007	\$1,425,980	\$1,334,249	\$1,541,088	\$2,071,110
Per cent of coal gas or water gas oper. revenues.	58.7%	57.7%	57.0%	59.1%	61.2%	64.5%	66.8%	63.1%	65.2%	78.5%
Taxes, coal gas and water gas.....	\$113,843	\$105,331	\$123,436	\$125,300	\$123,622	\$126,418	\$137,355	\$139,925	\$155,258	\$161,152
Per cent of coal gas or water gas oper. revenues.	6.2%	5.8%	6.1%	6.3%	6.4%	6.4%	6.4%	6.6%	6.6%	6.1%
Coal gas or water gas operating income.....	\$647,792	\$664,972	\$740,559	\$686,665	\$619,991	\$578,305	\$571,295	\$641,870	\$667,004	\$404,960
Per cent of coal gas or water gas oper. revenues.	35.1%	36.5%	36.8%	34.6%	32.4%	29.1%	26.8%	30.3%	28.2%	16.4%
Other operations, net revenue.....	\$40,947	\$45,546	\$51,458	\$35,225	\$27,439	\$19,918	\$10,756	\$7,774	\$9,586	\$9,913
Non-operating income.....	\$18,120	\$15,772	\$9,370	\$6,165	\$9,105	\$10,407	\$9,762	\$9,482	\$14,137	\$11,712
Gross income.....	\$706,859	\$726,288	\$801,387	\$728,057	\$656,584	\$608,628	\$591,816	\$659,127	\$690,729	\$426,585
Interest charges.....	\$491,756	\$498,391	\$513,722	\$498,445	\$469,694	\$488,021	\$531,978	\$545,111	\$577,718	\$504,270
Per cent of gross income.....	69.6%	68.6%	64.1%	68.5%	71.5%	80.2%	88.2%	82.7%	83.6%	118.2%
Other deductions, gross income.....	\$22,221	\$21,718	\$17,173	\$8,578	\$12,369	\$16,829	\$19,144	\$12,648	\$8,142	\$7,756
Per cent of gross income.....	3.1%	3.0%	2.1%	1.2%	1.9%	2.7%	3.2%	1.9%	1.2%	1.8%
Net income.....	\$192,881	\$206,179	\$270,490	\$221,033	\$174,524	\$103,779	\$50,689	\$101,368	\$104,868	D \$85,448
Per cent of gross income.....	27.3%	28.4%	33.9%	30.3%	26.6%	17.1%	8.6%	15.4%	15.2%	D 80.0%
Dividends during year.....	\$96,543	\$95,223	\$74,229	\$108,860	\$101,047	\$99,217	\$108,652	\$235,735	\$135,128	\$96,895
Per cent of gross income.....	13.7%	13.1%	9.3%	15.0%	15.4%	16.3%	18.4%	35.8%	19.6%	22.7%

NATURAL GAS CORPORATIONS having revenues of \$25,000 or over: Results of operations, totals summarised by years.
D prefixed to a figure denotes a deficit.

Item	Years ended December 31,									
	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917
Number of corporations.....	19	16	16	19	18	15	16	16	16	16
Natural gas operating revenues.....	\$5,857,881	\$5,733,001	\$6,375,354	\$6,581,986	\$6,149,620	\$4,878,189	\$5,290,168	\$5,141,580	\$5,568,882	\$6,713,145
Natural gas operating expenses and uncollectible bills.....	\$3,337,114	\$2,791,131	\$3,319,109	\$3,811,238	\$3,047,460	\$2,682,278	\$2,656,680	\$2,621,057	\$2,674,963	\$3,196,001
Per cent of natural gas operating revenues.....	57.0%	48.7%	52.1%	57.9%	49.6%	55.0%	50.2%	51.0%	48.0%	47.6%
Taxes, natural gas.....	\$221,948	\$205,688	\$241,680	\$245,009	\$202,691	\$197,032	\$220,893	\$196,700	\$311,741	\$378,114
Per cent of natural gas operating revenues.....	3.8%	3.6%	3.8%	3.7%	3.3%	4.0%	4.2%	3.8%	5.6%	5.6%
Natural gas operating income.....	\$2,298,822	\$2,736,186	\$2,814,564	\$2,525,740	\$2,899,468	\$1,998,882	\$2,412,595	\$2,323,823	\$2,582,171	\$3,139,027
Per cent of natural gas operating revenues.....	39.2%	47.7%	44.1%	38.4%	47.1%	41.0%	45.6%	45.2%	46.4%	46.8%
Other operations, net revenue.....	\$1,413	\$14,700	\$40,593	\$38,716	\$28,320	\$79,562	\$37,226	\$23,640	\$47,336	\$71,236
Non-operating income.....	\$71,021	\$68,419	\$57,711	\$68,509	\$61,882	\$39,953	\$29,766	\$29,513	\$64,735	\$303,098
Gross income.....	\$2,371,256	\$2,819,304	\$2,912,865	\$2,632,965	\$2,989,690	\$2,118,395	\$2,479,588	\$2,376,977	\$2,694,241	\$3,513,363
Interest charges.....	\$208,152	\$176,201	\$164,852	\$140,260	\$118,650	\$89,942	\$134,931	\$135,846	\$118,700	\$231,222
Per cent of gross income.....	8.8%	6.3%	5.7%	5.3%	4.0%	4.2%	5.5%	5.7%	4.4%	6.6%
Other deductions, gross income.....	\$136,529	\$76,167	\$67,588	\$53,573	\$77,395	\$82,091	\$20,578	\$22,526	\$12,023	\$203,962
Per cent of gross income.....	5.7%	2.7%	2.3%	2.0%	2.6%	3.9%	0.8%	1.0%	0.4%	5.8%
Net income.....	\$2,026,576	\$2,566,937	\$2,680,428	\$2,439,131	\$2,793,623	\$1,946,362	\$2,324,076	\$2,218,600	\$2,563,519	\$3,078,174
Per cent of gross income.....	85.5%	91.0%	92.0%	92.7%	93.4%	91.9%	93.7%	93.3%	95.2%	87.6%
Dividends during year.....	\$1,615,900	\$1,569,582	\$1,379,664	\$1,618,224	\$1,953,345	\$637,107	\$908,760	\$1,154,775	\$3,726,735	\$1,547,560
Per cent of gross income.....	68.1%	55.7%	47.4%	61.5%	65.3%	30.1%	36.6%	48.6%	138.3%	44.0%

TELEPHONE CORPORATIONS: Results of operations, totals summarised by years.
D prefixed to a figure denotes a deficit.

Item	Years ended December 31,							
	1912	1913	1914	1915	1916	1917		
Number of corporations reporting.....	129	109	102	102	100	104		
Telephone operating revenues.....	\$64,648,381	\$69,118,723	\$70,415,705	\$75,055,582	\$86,732,906	\$96,579,386		
Telephone operating expenses.....	\$36,928,481	\$41,107,881	\$43,086,223	\$44,750,024	\$49,335,441	\$56,885,480		
Per cent of telephone operating revenues.....	57.2%	59.5%	61.2%	59.6%	56.9%	58.6%		
Net other operating revenues.....		\$6,456	D \$10,448	\$2,465		D \$411		
Uncollectible operating revenues.....	\$414,377	\$317,944	\$336,067	\$368,729	\$423,304	\$325,653		
Per cent of telephone operating revenues.....	0.6%	0.5%	0.5%	0.5%	0.5%	0.3%		
Taxes assignable to telephone operations.....	\$3,582,888	\$3,889,673	\$4,062,214	\$4,350,369	\$5,181,815	\$6,730,635		
Per cent of telephone operating revenues.....	5.6%	5.6%	5.8%	5.8%	6.0%	6.9%		
Telephone operating income.....	\$23,652,638	\$23,809,681	\$22,837,973	\$25,589,029	\$31,793,088	\$31,136,304		
Per cent of telephone operating revenues.....	36.6%	34.4%	32.5%	34.1%	36.6%	32.1%		
Non-operating income.....	\$36,113,575	\$36,128,306	\$37,747,416	\$36,597,019	\$37,487,030	\$41,838,626		
Gross income.....	\$59,766,219	\$61,937,991	\$60,635,378	\$62,186,051	\$69,280,117	\$72,994,536		
Interest charges.....	\$9,798,001	\$12,152,231	\$12,541,017	\$10,575,148	\$10,076,382	\$14,433,441		
Per cent of gross income.....	16.6%	19.6%	20.9%	17.2%	14.6%	19.8%		
Other deductions from gross income.....	\$2,078,357	\$2,534,417	\$2,581,805	\$2,773,505	\$3,622,040	\$3,953,250		
Per cent of gross income.....	3.5%	4.1%	4.4%	4.4%	5.2%	5.4%		
Net income.....	\$46,919,828	\$47,351,277	\$45,512,556	\$48,737,304	\$55,581,696	\$54,608,133		
Per cent of gross income.....	79.9%	76.3%	74.7%	78.4%	80.2%	74.8%		
Dividends during year.....	\$36,506,689	\$37,525,236	\$37,677,188	\$39,259,728	\$41,251,830	\$42,597,073		
Per cent of gross income.....	62.1%	60.6%	63.1%	63.1%	59.5%	58.4%		

APPENDIX B

COST OF FUEL FOR STEAM POWER USED IN GENERATING ELECTRICITY.

Comparison of cost of fuel for steam power used in generating electricity and pounds of coal used per kilowatt hour generated, for years ended December 31, 1917, 1916, 1915, 1914, and 1913. The companies named have revenues over \$25,000 per annum, and the figures given are taken from their reports.

Rank in order of fuel used	Name of corporation (b)	Year (c)	Units of electricity generated by steam power (d) Kw. hours	Coal used for steam power in generating electricity (e) Pounds	Av. lbs. of coal used per kw. h. generated (f)	Fuel expense for steam power (g) Dollars	Av. fuel cost		Av. cost per kw. h. purchased (j) Cents	Per cent of total kw. h.			Ratio of fuel expense to production expense (n) %
							Per short ton coal used (h) Dollars	Per kw. h. generated by steam (i) Cents		Generated by steam (k) %	Generated by water (l) %	Purchased (m) %	
A. Corporations generating electricity largely by steam power:													
2	East Hampton Electric Light.....	1917	335,150	4,219,206	12.59	11,563	5.48	3.45	.....	100	.....	.....	59.5
		1916	335,150	4,668,549	13.93	8,907	3.82	2.66	.....	100	.....	.....	60.5
		1915	317,320	3,755,065	11.83	6,657	3.49	2.07	.....	100	.....	.....	61.2
		1914	269,000	3,468,314	12.89	6,088	3.51	2.26	.....	100	.....	.....	59.1
		1913	242,140	3,091,170	12.77	6,224	4.03	2.57	.....	100	.....	.....	61.3
3	Standard Light, Heat and Power....	1917	517,880	6,495,840	12.54	11,627	3.58	2.25	.....	61.9	38.1	.....	63.9
		1916	468,240	4,740,000	10.12	6,604	2.82	1.43	.....	66.7	33.3	.....	52.0
5	Long Beach Power.....	1917	324,240	3,624,565	11.18	14,692	6.90	4.53	.....	100	.....	.....	60.6
		1916	337,450	3,605,065	10.68	8,068	4.48	2.30	.....	100	.....	.....	43.6
		1915	342,610	3,424,990	10.00	6,790	3.97	1.98	.....	100	.....	.....	41.7
6	Danville Gas and Electric.....	1917	543,100	4,947,100	9.11	9,022	3.64	1.66	.....	100	.....	.....	61.9
		1916	505,410	4,318,500	8.54	5,975	2.77	1.18	.....	100	.....	.....	55.0
		1915	488,220	4,062,000	8.32	5,246	2.58	1.07	.....	100	.....	.....	53.6
		1914	470,120	4,244,000	9.03	5,626	2.65	1.20	.....	100	.....	.....	49.1
		1913	522,145	4,576,000	8.96	6,226	2.66	1.19	.....	100	.....	.....	53.0
9	Suffolk Light, Heat and Power.....	1917	1,009,150	8,596,000	8.52	25,434	5.92	2.52	.....	100	.....	.....	64.1
		1916	911,095	7,772,000	8.53	16,848	4.34	1.85	.....	100	.....	.....	57.4
		1915	675,048	5,952,000	8.82	10,041	3.87	1.49	.....	100	.....	.....	52.6
		1914	627,800	5,195,320	8.28	6,797	3.39	1.40	.....	100	.....	.....	52.6
		1913	555,490	4,243,560	7.64	7,957	3.75	1.48	.....	100	.....	.....	52.1
10	Liberty Light and Power.....	1917	476,791	4,046,000	8.50	7,612	3.76	1.60	.....	100	.....	.....	58.0
		1916	436,796	3,636,000	8.32	4,899	2.69	1.12	.....	100	.....	.....	49.9
		1915	414,575	3,452,000	8.33	4,477	2.59	1.08	100	47.3
		1914	428,409	3,788,000	8.84	5,315	2.80	1.24	100	56.7

APPENDIX B: COST OF FUEL

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12	Hornell Electric.....	1917	2,203,479	17,996,000	8.17	32,119	3.57	1.46	100	80.4
		1916	1,965,577	16,550,000	8.43	19,656	2.38	1.00	100	72.7
		1915	3,147,756	14,714,000	6.85	16,407	2.23	0.76	.....	100	.....	.....	69.2
13	Rockville Center (municipal plant)...	1917	668,291	4,667,779	6.98	12,029	5.15	1.80	.....	100	.....	.....	54.3
		1916	686,268	4,126,618	6.01	8,684	4.31	1.27	.....	100	.....	.....	50.6
		1915	895,361	3,693,088	5.31	6,180	4.18	0.88	.....	100	.....	.....	43.2
		1914	592,489	2,820,000	4.76	5,110	3.62	0.86	.....	100	.....	.....	39.7
		1913	566,044	3,270,667	5.78	5,643	3.39	0.96	.....	100	.....	.....	43.6
14	Port Jervis Light and Power.....	1917	505,700	3,417,200	6.76	8,867	2.26	0.76	0.75	56.2	.....	43.8	43.5
		1916	1,007,880	7,205,580	7.15	7,674	2.13	0.76	0.75	40.3	.....	59.7	29.5
		1915	1,016,269	13,018,700	12.81	13,576	2.09	1.24	0.75	53.7	.....	47.3	46.0
		1914	1,671,713	13,525,880	8.09	14,326	2.12	0.86	0.75	81.9	.....	18.1	51.7
		1913	1,166,193	11,276,000	9.67	11,462	2.03	0.98	0.75	61.8	.....	38.2	44.9
15	Huntington Light and Power.....	1917	679,618	4,580,000	6.74	7,747	3.38	1.14	3.00	60.7	.....	39.3	26.6
		1916	460,335	3,496,000	7.59	6,874	3.36	1.28	3.00	56.6	.....	44.4	23.9
		1915	495,010	3,250,000	6.57	4,925	3.03	0.99	3.00	67.7	.....	32.3	23.4
		1914	469,140	3,362,000	7.21	5,960	3.52	1.27	3.00	71.5	.....	28.6	35.4
		1913	320,129	3,468,000	10.83	6,119	3.53	1.91	3.00	67.8	.....	32.2	37.6
16	Pekskill Lighting and Railroad.....	1917	2,194,024	14,549,020	6.63	136,232	5.75	1.55	2.75	71.6	.....	28.4	19.49.9
		1916	2,340,030	13,046,000	5.56	19,921	3.48	0.85	2.75	95.5	.....	4.5	19.56.8
		1915	2,105,281	12,376,000	6.88	17,408	3.07	0.83	2.75	100	.....	.....	19.58.7
		1914	2,115,484	12,726,000	6.01	17,933	3.05	0.85	2.75	100	.....	.....	19.57.5
		1913	2,442,145	13,256,000	5.43	18,791	3.07	0.77	2.75	99.6	.....	0.4	19.60.1
18	Orange County Public Service Corp..	1917	1,879,370	11,748,200	6.25	20,492	3.49	1.09	.....	61.7	38.3	.....	54.1
19	Oneonta Light and Power.....	1917	555,604	3,338,000	6.01	8,893	5.33	1.60	.....	53.6	46.4	.....	52.1
		1916	421,421	1,906,000	4.52	8,130	3.28	0.74	.....	40.0	60.0	.....	29.4
		1915	84,400	1,272,000	15.07	2,322	3.65	2.75	.....	9.2	90.8	.....	27.0
		1914	361,610	2,688,000	7.43	5,105	3.80	1.41	.....	42.9	57.1	.....	46.3
		1913	397,685	3,144,000	7.90	4,033	3.76	1.35	.....	37.5	62.5	.....	39.7

* Numbered in order of average pounds of coal used in 1917 per kilowatt hour generated as shown in column (f), the corporation showing the largest average consumption being given the number "1".
 † Evidently includes in some cases fuel used in keeping up steam in steam plant while used only as a reserve source of power, and fuel used in Steam Heating department.
 ‡ Reports are for years beginning March 1st of the calendar year shown in column (c).
 § Estimated.
 ¶ Figures are based on cost of coal used during year, municipality charged operating expenses with coal paid for.
 ** Includes coal used for generating steam charged over to Gas department in addition to coal, gas tar estimated as the equivalent of 45 tons of coal was used in 1914, and is included with coal used.
 †† Excludes cost of fuel used in generating steam charged to Gas department \$3252 in 1917, \$1886 in 1916, \$1608 in 1915, \$1648 in 1914, and \$1591 in 1913.
 ‡‡ Average cost per ton of coal received during year.
 §§ Less than .05 of 1 per cent.
 ††† Based on fuel expense as reported, not as shown in column (g).
 †††† Report is for period January 1 to April 30, 1917, date of consolidation into Orange County Public Service Corporation.
 ††††† Report covers period May 1 to December 31, 1917.

Comparison of cost of fuel for steam power used in generating electricity and pounds of coal used per kilowatt hour generated, for years ended December 31, 1917, 1916, 1915, 1914, and 1913. The companies named have revenues over \$25,000 per annum, and the figures given are taken from their reports (continued).

Rank in order of fuel use*	Name of corporation (b)	Year (c)	Units of electricity generated by steam power (d) Kw hours	Coal used for steam power in generating electricity (e) Pounds	Av lbs of coal used per kw h generated (f) Pounds	Fuel expense for steam power (g) Dollars	Av fuel cost			Per cent of total kw h			Ratio of fuel expense to production expense (m) %
							Per short ton coal used (h) Dollars	Per kw h generated by steam (i) Cents	Av cost per kw h purchased (j) Cents	Gene- rated by steam (k) %	Gene- rated by water (l) %	Pur- chased (m) %	
A. Corporations generating electricity largely by steam power (continued):													
20	Norwich Gas and Electric.....	1917	797,830	4,784,000	6.00	10,200	4.26	1.28	.....	100	.....	.....	58.7
		1916	701,740	4,378,000	6.24	6,286	2.87	0.90	.....	100	.....	.....	48.1
		1915	516,124	5,956,000	11.54	8,793	2.95	1.70	.....	100	.....	.....	60.4
		1914	467,814	6,135,000	13.11	8,436	2.75	1.80	.....	100	.....	.....	61.7
		1913	458,928	5,022,000	11.44	6,905	2.75	1.57	.....	100	.....	.....	57.8
21	Bayne Electric.....	1917	2,967,006	17,086,200	5.76	29,065	3.40	0.96	.....	100	.....	.....	57.6
		1916	2,949,962	13,636,140	4.62	18,211	2.69	0.62	.....	100	.....	.....	55.0
		1915	3,052,855	12,855,100	4.21	16,235	2.53	0.53	.....	100	.....	.....	54.7
		1914	3,085,149	13,532,640	4.41	16,681	2.47	0.54	.....	100	.....	.....	60.6
		1913	2,936,895	12,766,000	4.35	13,735	2.15	0.47	.....	100	.....	.....	56.5
22	Orange County Lighting.....	1917	563,360	3,083,100	5.47	4,412	2.86	0.78	.....	100	.....	.....	53.6
		1916	1,598,070	9,224,600	5.77	13,071	2.83	0.83	.....	100	.....	.....	51.3
		1915	1,488,930	7,967,900	5.35	11,290	2.83	0.76	.....	100	.....	.....	49.5
		1914	1,417,960	8,676,040	6.12	12,270	2.83	0.87	.....	100	.....	.....	50.5
		1913	1,596,400	9,211,700	5.77	12,837	2.79	0.80	0.56	99.7	.....	0.3	50.7
23	Dunkirk (municipal plant).....	1917	3,463,875	18,752,000	5.41	48,753	5.20	1.41	.....	100	.....	.....	76.1
		1916	2,514,950	9,848,000	3.92	12,803	2.60	0.51	.....	100	.....	.....	56.4
		1915	1,611,354	7,052,000	4.38	7,898	2.24	0.49	.....	100	.....	.....	48.3
		1914	1,514,625	8,922,800	5.89	12,080	2.71	0.80	.....	100	.....	.....	59.0
		1913	1,527,265	8,630,900	5.65	11,583	2.68	0.76	.....	100	.....	.....	60.6
24	Upper Hudson Electric and Railroad.	1917	1,027,138	5,452,000	5.31	15,932	5.84	1.55	.....	54.8	45.2	.....	51.0
		1916	1,041,784	4,466,000	4.29	9,353	4.19	0.90	.....	51.4	48.6	.....	48.4
		1915	1,071,830	3,782,000	3.53	-5,948	3.67	0.66	.....	49.0	51.0	.....	44.5
		1914	1,390,071	5,760,000	4.14	10,512	3.66	0.76	71.6	28.4	56.0
		1913	1,181,200	4,678,000	4.14	8,482	3.61	0.75	54.1	45.9	50.5

APPENDIX B: COST OF FUEL

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26	Fresport (municipal plant).....	1917 1,161,255	5,956,000	5.17	18,838	6.23	1.64	100	59.9
		1916 1,125,240	5,640,320	5.01	8,433	3.99	0.75	.....	.....	100	.....	44.1
		1915 1,052,046	5,956,180	5.66	14,069	4.73	1.34	.....	.....	100	.....	53.9
		1914 1,249,407	5,920,320	4.74	10,229	3.46	0.82	.....	.....	100	.....	50.3
		1913 1,160,000	4,600,000	3.97	7,213	3.14	0.62	.....	.....	100	.....	40.3
27	Cortland County Traction.....	1917 4,714,132	22,780,000	4.83	60,092	5.26	1.27	.....	.....	100	.....	75.3
		1916 4,091,316	18,316,000	4.48	28,965	3.16	0.71	.....	.....	100	.....	66.4
		1915 3,743,066	16,336,000	4.36	23,687	2.90	0.63	.....	.....	100	.....	71.7
		1914 2,786,964	12,924,000	4.64	17,189	2.66	0.62	.....	.....	100	.....	64.9
		1913 2,537,341	11,742,000	4.63	15,617	2.66	0.62	.....	.....	100	.....	65.3
28	Patchogue Electric Light.....	1917 1,205,230	5,800,000	4.81	17,208	5.93	1.43	.....	.....	100	.....	53.1
		1916 1,074,990	4,294,000	3.90	9,947	4.63	0.93	.....	.....	100	.....	59.1
		1915 897,720	4,302,000	4.79	8,856	4.12	0.99	.....	.....	100	.....	58.7
		1914 745,770	4,352,000	5.84	8,706	4.00	1.17	.....	.....	100	.....	63.8
		1913 688,090	3,900,000	5.67	6,590	3.38	0.96	.....	.....	100	.....	57.3
29	Herkimer (municipal plant).....	1917 1,629,217	7,824,000	4.80	20,921	5.35	1.28	.....	.....	100	.....	74.9
		1916 1,553,800	6,096,000	5.21	13,323	3.20	0.86	.....	.....	100	.....	70.1
		1915 1,366,200	6,872,000	5.03	9,926	2.89	0.73	.....	.....	100	.....	64.3
		1914 1,288,400	6,536,000	5.07	9,368	2.86	0.73	.....	.....	100	.....	63.1
		1913 1,242,400	6,076,000	4.89	8,631	2.84	0.69	.....	.....	100	.....	65.7
31	Long Island Lighting.....	1917 6,962,219	28,982,000	4.16	66,003	3.96	0.80	.....	.....	97.2	.....	62.3
		1916 5,648,339	23,136,000	4.10	53,811	2.92	0.80	.....	.....	99.5	.....	60.9
		1915 4,274,792	18,204,940	4.26	24,358	2.68	0.57	.....	.....	97.8	.....	53.0
		1914 2,654,036	9,959,380	3.90	14,265	2.87	0.66	.....	.....	98.8	.....	53.9
		1913 2,140,838	9,343,180	4.36	12,308	2.85	0.62	.....	.....	99.1	.....	49.6
32	LaRoy Hydraulic Electric Gas.....	1917 2,314,435	9,485,510	4.10	21,907	4.62	0.95	.....	0.8	99.2	.....	69.0
		1916 2,023,446	8,882,040	4.39	13,187	2.97	0.65	.....	0.9	99.1	.....	60.2
		1915 1,904,676	7,795,000	4.09	10,075	2.59	0.53	.....	1.0	99.0	.....	56.4
33	Olean Electric Light and Power....	1917 9,744,300	39,302,910	4.03	88,344	4.50	0.91	.....	.....	98.9	1.1	74.3
		1916 7,637,900	35,184,800	4.61	44,818	2.55	0.59	.....	.....	100	.....	69.3
		1915 5,766,300	26,533,240	4.61	28,913	2.18	0.50	.....	.....	100	.....	62.6

* Numbered in order of average pounds of coal used in 1917 per kilowatt hour generated as shown in column (f), the corporation showing the largest average consumption being given the number "1".
 † Evidently includes in some cases fuel used in keeping up steam in steam plant while used only as a reserve source of power, and fuel used in Steam Heating department.
 ‡ Reports are for years beginning March 1 of the calendar year shown in column (g).
 § Average cost per ton of coal received during year.
 || Report is for period January 1 to April 30 1917, data of consolidation into Orange County Public Service Corporation.
 ¶ The reported fuel expense is evidently an apportionment to the Light and Power department, representing fuel expense only for energy used or sold by that department, the figures used here are not the reported fuel expense but an estimate based on reported number of tons of coal used at reported average price per ton of coal received.
 ** Based on fuel expense as reported charged to Lighting department, not as shown in column (g).
 *** Figures are based on Lighting and railroad reports combined.

Comparison of cost of fuel for steam power used in generating electricity and pounds of coal used per kilowatt hour generated, for years ended December 31, 1917, 1916, 1915, 1914, and 1913. The companies named have revenues over \$25,000 per annum, and the figures given are taken from their reports (continued).

Rank in order of fuel use	Name of corporation (b)	Year (c)	Units of electricity generated by steam power (d) Kw. hours	Coal used for steam power in generating electricity ¹ (e) Pounds	Av. lbs. of coal used per kw. h. generated (f) Pounds	Fuel expense for steam power ¹ (g) Dollars	Av. fuel cost			Per cent of total kw. h.				Ratio of fuel expense to production expense (m) %
							Per short ton coal used (h) Dollars	Per kw. h. generated by steam (i) Cents	Av. cost per kw. h. purchased (j) Cents	Generated by steam (k) %	Generated by water (l) %	Purchased (m) %		
A. Corporations generating electricity largely by steam power (concluded):														
34	Rockland Light and Power.....	1917	8,510,573	33,558,900	3.94	53,071	3.16	0.62	.....	100	.....	.....	80.0
		1916	7,477,797	32,363,020	3.79	32,334	2.28	0.43	.....	100	.....	.....	61.3
		1915	7,318,157	32,861,480	4.49	36,464	2.23	0.50	.....	100	.....	.....	61.3
		1914	6,947,232	45,442,600	6.54	51,333	2.25	0.74	4.21	99.6	.....	0.5	51.7
		1913	4,254,976	28,724,240	6.75	37,095	2.59	0.87	.....	100	.....	.....	58.4
35	Albany Southern Railroad.....	1917	6,837,300	24,218,880	3.52	66,354	5.47	1.05	.....	50.2	49.8	.....	62.8
		1916	3,191,600	13,968,512	4.35	22,136	3.19	0.69	.....	80.0	70.0	.....	40.1
		1915	2,991,932	16,520,000	5.52	26,689	3.23	0.89	.....	31.5	68.4	.....	50.4
		1914	4,691,252	26,243,940	5.61	38,379	2.92	0.82	.....	55.5	44.5	.....	63.8
		1913	3,384,498	21,479,360	6.35	28,184	2.62	0.83	.....	42.3	57.7	.....	57.8
37	Jamestown (municipal plant)....	1917	2,560,464	9,496,000	3.71	24,373	5.13	0.95	.....	100	.....	.....	65.6
		1916	2,224,340	8,726,000	3.93	11,116	2.54	0.50	.....	100	.....	.....	50.3
		1915	2,399,610	8,776,000	3.66	9,266	2.11	0.39	.....	100	.....	.....	45.0
		1914	2,063,140	11,476,000	5.56	12,429	2.17	0.60	.....	100	.....	.....	48.5
		1913	2,000,180	11,022,000	5.51	12,986	2.36	0.65	.....	100	.....	.....	56.7
38	Binghamton Light, Heat and Power.	1917	12,628,261	46,266,400	3.67	94,862	4.09	0.75	2.10	99.9	.....	0.1	77.3
		1916	10,737,091	34,146,200	3.18	53,262	3.12	0.50	2.00	99.7	.....	0.3	71.1
		1915	8,539,954	31,283,300	3.66	39,957	2.55	0.47	.....	100	.....	.....	68.1
		1914	7,785,919	26,262,000	3.37	38,067	2.90	0.49	.....	100	.....	.....	64.2
		1913	7,292,777	30,036,400	4.12	36,701	2.45	0.50	.....	100	.....	.....	68.9
39	Nassau Light and Power.....	1917	9,793,500	35,604,700	3.64	100,625	5.65	1.03	7.80	99.8	.....	0.2	73.4
		1916	8,842,500	33,552,796	3.79	54,298	3.24	0.61	6.95	99.8	.....	0.2	65.8
		1915	8,376,300	32,261,485	3.90	43,927	2.72	0.53	8.80	99.8	.....	0.2	57.5
		1914	7,554,700	28,626,986	3.79	39,483	2.76	0.52	10.30	99.9	.....	0.1	62.8
		1913	7,009,800	26,560,696	4.02	39,271	2.75	0.55	8.83	99.9	0.1	60.4	

APPENDIX B: COST OF FUEL.

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42	Central Hudson Gas and Electric...	1917	91,867,490	63,801,600	3.93	148,058	4.64	0.68	0.82	83.9	16.1	60.9
		1916	90,809,410	59,105,400	3.84	88,190	2.98	0.42	0.53	97.0	3.0	53.3
		1915	16,670,610	88,863,600	3.76	87,118	2.98	0.56	0.59	90.2	9.8	54.3
		1914	12,489,460	60,690,700	4.86	90,408	2.98	0.72	0.52	83.4	17.6	60.0
		1913	11,183,760	60,316,300	4.50	77,127	3.08	0.69	0.59	88.4	11.6	56.3
44	Elmira Water, Light and Railroad...	1917	35,065,110	80,404,000	2.29	166,659	4.19	0.48	...	100	...	53.9
		1916	35,205,520	75,243,800	2.14	98,479	2.82	0.28	...	100	...	78.5
		1915	26,768,260	54,442,000	2.03	59,614	2.19	0.23	...	100	...	67.6
		1914	24,847,440	66,429,890	2.67	86,093	2.69	0.35	...	100	...	59.8
		1913	19,523,350	88,502,900	4.53	104,498	2.36	0.54	...	100	...	60.3
	Totals.	1917	145,184,164	554,965,170	3.82	1,248,911	4.50	0.86	...	...	...	...
		1916	130,331,596	473,187,800	3.63	698,448	2.91	0.53	...	...	...	...
		1915	107,382,495	427,297,049	3.98	568,002	2.66	0.53	...	...	...	...
		1914	89,855,084	389,729,702	4.45	560,097	2.75	0.61	...	...	...	...
		1913	76,249,669	380,037,073	4.98	507,078	2.67	0.67	...	...	...	...
B. Corporations generating electricity largely by hydraulic power:												
48	Utica Gas and Electric.....	1917	23,676,384	107,934,000	4.56	285,837	5.30	1.21	1.05	30.4	4.3	59.7
		1916	15,331,555	60,530,000	3.95	101,697	3.36	0.66	0.88	22.1	8.7	39.5
		1915	2,977,605	26,468,000	3.56	34,481	2.71	1.16	0.76	6.2	4.6	30.1
		1914	5,151,750	33,112,000	6.43	50,170	3.03	0.97	1.06	13.2	5.7	36.2
		1913	3,393,168	23,142,000	6.53	36,305	3.28	1.07	0.88	8.5	7.0	30.7
48	Adirondack Electric Power Corporation.....	1917	29,604,700	114,790,000	3.88	261,191	4.55	0.86	1.30	18.7	14.9	35.5
		1916	30,070,300	122,041,114	4.08	180,533	2.96	0.60	1.21	19.9	11.7	34.7
		1915	29,146,783	96,148,611	3.30	133,579	2.78	0.46	1.99	23.3	4.6	39.5
		1914	29,567,928	94,178,323	3.19	135,412	2.88	0.46	1.05	25.2	15.4	30.4
		1913	29,960,541	91,358,860	3.06	132,850	2.91	0.44	1.06	21.4	17.4	28.5
49	Rochester Railway and Light.....	1917	48,900,401	155,192,600	3.17	533,329	6.86	1.09	0.28	30.7	12.0	61.9
		1916	43,188,328	132,646,000	3.07	256,182	3.86	0.59	0.43	29.6	24.1	41.7
		1915	* 11,805,801	44,847,720	3.80	55,574	2.49	0.47	0.51	9.6	24.2	24.4
		1914	23,168,410	66,561,340	4.36	131,277	2.71	0.59	0.51	18.0	30.0	31.7
		1913	14,346,473	** 130,388,016	9.09	173,865	2.66	1.21	0.51	11.5	42.0	28.2
	Totals	1917	102,181,485	377,916,600	3.70	1,080,857	5.72	1.06	...	...	...	...
		1916	88,580,183	315,217,114	3.66	638,412	3.42	0.61	...	...	...	...
		1915	43,929,988	166,404,331	3.79	223,634	2.69	0.51	...	...	...	...
		1914	56,859,088	223,854,660	3.94	316,859	2.83	0.59	...	...	...	...
		1913	47,630,183	243,888,376	5.12	343,020	2.81	0.72	...	...	...	...

* Numbered in order of average pounds of coal used in 1917 per kilowatt hour generated as shown in column (D), the corporation showing the largest average consumption being given the number "1." Evidently includes in some cases fuel used in keeping up steam in steam plant while used only as a reserve source of power and fuel used in Steam Heating department. † Reports are for years beginning March 1 of the calendar year shown in column (c). ** Excludes 3080 kw h generated at stand-by station. No record was kept of the amount of coal used in generating this current. ‡ Includes the coal equivalent of 19,468 gallons of fuel oil, estimated on the assumption that one gallon of fuel oil is equivalent to 11½ pounds of coal.

Comparison of cost of fuel for steam power used in generating electricity and pounds of coal used per kilowatt hour generated, for years ended December 31, 1917, 1916, 1915, 1914, and 1913. The companies named have revenues over \$25,000 per annum, and the figures given are taken from their reports (concluded).

Rank in order of fuel use	Name of corporation	Year	Units of electricity generated by steam power	Coal used for steam power in generating electricity	Av lbs of coal used per kw h generated	Fuel expenses for steam power	Av fuel cost		Per cent of total kw h			Ratio of fuel expense to production expense
							Per short ton coal used	Per kw h generated by steam	Generated by steam	Generated by water	Purchased	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(k)	(l)	(m)	(n)
			Kw hours	Pounds	Pounds	Dollars	Dollars	Cents	%	%	%	%
C. Corporations purchasing over 50 per cent of electricity sold:												
1	Lockport Light, Heat and Power	1917	1,389,295	25,808,700	18.43	55,531	4.34	4.00	7.9	19.5	72.5	38.4
		1916	1,272,721	20,982,700	16.47	31,126	2.97	2.45	6.8	12.7	80.5	25.6
		1915	2,161,740	20,061,600	9.29	28,163	2.90	1.30	13.7	13.9	72.4	26.8
		1914	2,348,630	19,732,800	8.41	28,267	2.87	1.20	15.5	15.3	69.2	28.8
		1913	2,034,811	18,068,000	8.89	26,340	2.91	1.29	12.3	6.1	81.6	31.8
4	Syracuse Lighting	1917	2,706,671	31,351,800	11.58	88,420	5.13	3.01	3.0	.....	97.0	13.8
		1916	14,377,706	71,672,100	4.98	118,862	3.50	0.80	20.0	.....	80.0	24.3
		1915	15,407,781	63,302,300	4.11	87,891	2.53	0.55	29.8	.....	70.2	23.8
		1914	9,227,690	49,495,006	5.36	71,281	2.67	0.76	21.2	.....	78.8	20.2
		1913	7,357,718	60,891,000	8.28	81,865	2.55	1.10	17.4	.....	82.6	21.8
6	Empire Gas and Electric	1917	6,016,185	67,174,000	11.17	149,863	4.46	2.49	21.8	0.5	78.2	38.0
		1916	9,762,522	75,942,000	7.78	106,394	2.80	1.09	39.0	0.4	69.6	40.1
		1915	3,782,611	27,148,003	7.27	32,801	2.42	0.88	33.6	.....	66.4	34.0
		1914	3,856,030	30,201,800	7.83	39,210	2.59	1.02	39.8	.....	60.2	40.2
		1913	5,067,144	34,799,800	6.87	42,677	2.45	0.84	49.0	.....	51.0	43.2
7	Southern New York Power	1917	334,209	3,073,280	9.20	7,790	5.07	2.23	17.6	20.6	61.8	15.4
11	Northern Westchester Lighting	1917	1,313,898	11,131,000	8.47	26,022	4.68	1.98	18.2	.....	81.8	20.0
		1916	3,710,244	21,458,840	5.79	33,417	3.11	0.90	62.4	.....	37.6	38.8
		1915	4,120,540	24,875,020	6.04	33,069	2.66	0.80	83.6	.....	16.4	54.6
		1914	3,817,536	23,003,480	6.03	34,250	2.98	0.90	93.4	.....	6.6	53.5
		1913	2,898,506	16,180,000	5.58	24,387	3.01	0.84	99.0	.....	1.0	56.7
17	Westchester Lighting	1917	2,760,016	17,474,240	6.33	27,914	3.19	1.01	0.1	.....	99.9	8.4
		1916	5,014,465	26,900,160	5.36	33,973	2.52	0.68	18.1	.....	81.9	15.7
		1915	18,484,330	71,480,640	3.87	84,838	2.37	0.46	85.4	.....	14.6	47.5
		1914	16,348,641	64,877,120	3.97	74,048	2.29	0.48	96.6	13.4	40.3
		1913	16,542,866	71,975,680	4.25	80,351	2.23	0.49	100	43.8

APPENDIX B: COST OF FUEL

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26	Orange and Rockland Electric.....	1917	806,550	4,225,500	4.83	9,024	4.37	1.04	0.93	36.4	63.6	27.3
		1916	1,060,375	7,484,530	4.43	13,198	3.53	0.78	.....	100	.....	.....	60.3
		1915	1,742,325	6,538,000	3.81	9,094	2.92	0.56	.....	100	.....	.....	53.9
		1914	2,902,760	6,978,640	3.17	10,419	2.98	0.47	.....	100	.....	.....	52.1
		1913	2,473,000	6,245,100	2.53	9,099	3.91	0.37	.....	100	.....	.....	57.1
41	Municipal Gas.....	1917	1,973,175	6,242,000	3.17	24,543	7.96	1.34	0.90	8.6	.....	91.4	10.3
43	Niagara, Lockport and Ontario Power.....	1917	57,965,950	144,304,433	3.49	324,243	4.49	0.56	0.19	11.3	23.6	65.1	29.3
		1916	18,239,156	50,508,339	2.77	74,741	2.96	0.41	0.21	4.3	29.9	63.8	10.3
		1915	2,971,550	11,531,088	3.88	13,655	2.37	0.45	0.22	1.1	25.9	73.0	2.7
		1914	6,132,303	23,507,238	3.83	31,318	2.66	0.51	0.23	2.3	19.6	85.1	6.1
		1913	11,299,568	43,581,632	3.86	51,902	2.33	0.45	0.27	3.8	.....	96.2	6.2
45	Buffalo General Electric.....	1917	128,931,500	285,792,000	1.83	506,920	4.30	0.39	0.31	28.4	.....	71.6	30.9
		1916	3,327,900	7,240,000	2.18	9,412	2.60	0.28	0.39	1.0	.....	99.0	0.7
		1917	204,256,439	546,467,553	2.08	1,220,070	4.47	0.60	.....	.....	.....	.....	.....
		1916	57,395,062	282,198,659	4.92	421,023	2.96	0.73	.....	.....	.....	.....	.....
		1915	48,020,877	225,056,628	4.63	290,089	2.58	0.60	.....	.....	.....	.....	.....
		1914	43,931,580	217,796,083	4.96	288,793	2.65	0.66	.....	.....	.....	.....	.....
		1913	47,673,313	251,741,202	5.28	316,521	2.51	0.66	.....	.....	.....	.....	.....
		1917	451,622,088	1,479,349,323	3.28	3,549,838	4.80	0.79	.....	.....	.....	.....	.....
		1916	276,316,861	1,070,603,573	3.87	1,647,883	3.06	0.80	.....	.....	.....	.....	.....
		1915	199,933,380	818,818,008	4.10	1,081,725	2.64	0.54	.....	.....	.....	.....	.....
		1914	190,674,762	841,380,448	4.41	1,155,749	2.75	0.61	.....	.....	.....	.....	.....
		1913	171,563,164	875,666,651	5.10	1,166,619	2.66	0.68	.....	.....	.....	.....	.....
	Totals.....												
	Grand totals.....												

* Numbered in order of average pounds of coal used in 1917 per kilowatt hour generated as shown in column (f), the corporation showing the largest average consumption being given the number 1. † Evidently includes in some cases fuel used in keeping up steam in steam plant while used only as a reserve source of power, and fuel used in Steam Heating department. ‡ Average cost per ton of coal received during year. § Excludes 233,078 kw h. generated by 1,52,840 gallons of fuel oil in 1917, 478,385 kw h. generated by 218,038 gallons of fuel oil in 1916, 476,529 kw h. generated by 160,021 gallons of gas oil in 1915; 85,754 kw h. generated by 27,545 gallons of gas oil and 27,877 gallons of tar oil in 1914; and 95,000 kw h. generated by 41,197 gallons of gas oil and 31,623 gallons of tar oil in 1913.

APPENDIX O

ACCIDENTS, STEAM RAILROADS, YEAR ENDED JUNE 30, 1918.

[cix]

PERSONAL INJURIES received while on or about trains, but not resulting from an accident to a train.

Kind	Num- ber	Passengers		Persons carried under contract		Employees		Trespassers		Non- trespassers		Total	
		Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Falling from engines, trains, or cars	335	3	9	.....	4	21	283	5	9	1	.....	30	305
Getting on or off trains in motion	256	3	37	.....	2	4	159	14	39	.....	.....	21	280
Getting on or off trains not in motion	104	.....	37	.....	1	.....	64	.....	1	.....	1	.....	104
Injured while getting on and off trains by turning ankle, etc.	168	.....	13	.....	.....	.....	164	.....	1	.....	.....	.....	169
Coming in contact with overhead bridges, wires, etc.	20	.....	.....	.....	1	6	21	2	.....	.....	.....	8	23
Coming in contact with signal poles, water cranes, coaling stations, or other fixed objects adjacent to tracks	63	.....	.....	.....	1	3	58	.....	1	.....	.....	3	60
Coming in contact with switchstands or interlocking appliances	10	.....	.....	.....	.....	.....	8	.....	2	.....	.....	.....	10
Coming in contact with misplaced portions of passing cars or cars not into clear	16	.....	.....	.....	.....	1	14	.....	.....	.....	.....	1	14
Coming in contact with cars, etc., on adjacent tracks in proper position	35	.....	.....	.....	.....	2	33	.....	1	.....	.....	3	33
Coming in contact with broken or misplaced portions of cars on adjacent tracks	11	.....	.....	.....	.....	.....	11	.....	.....	.....	.....	.....	11
Coming in contact with other objects alongside of track	14	.....	.....	.....	.....	.....	14	.....	.....	.....	1	.....	15
Coming in contact with objects because of putting heads or arms out of windows	25	1	8	.....	.....	.....	19	.....	.....	.....	.....	1	27
Injured by missiles thrown through windows	2	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Injured by windows falling	21	.....	17	.....	1	.....	8	.....	.....	.....	.....	.....	21
Falling over bags, parcels, suitcases etc., placed in aisles	9	.....	7	.....	.....	.....	2	.....	.....	.....	.....	.....	9
Injured by doors closing on fingers etc (passenger cars)	50	.....	23	.....	1	.....	14	.....	1	.....	2	.....	50
Injured by doors closing on fingers, etc (freight cars)	16	.....	.....	.....	.....	.....	16	.....	.....	.....	.....	.....	16
Injured while coupling or uncoupling cars	58	.....	.....	.....	.....	2	56	.....	.....	.....	.....	2	58
Caught between cars, buffer plates couplings, etc	94	.....	.....	.....	.....	19	70	.....	5	.....	1	19	76
Minor injuries to employees from handling equipment where no defect in equipment existed	455	.....	.....	.....	.....	.....	455	.....	.....	.....	.....	.....	455
Resulting from setting or releasing hand-brakes no defect in equipment	66	.....	.....	.....	.....	.....	66	.....	.....	.....	.....	.....	66
Resulting from an emergency application of the brakes	23	5	1	20	26

APPENDIX C: ACCIDENTS

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[illegible]

PERSONAL INJURIES received while on track or adjacent thereto, either from contact with train or other causes.

Struck while on track by train	399	3	4	.....	.....	88	95	131	71	11	16	233	186
Guider	5	.....	.....	.....	.....	.....	.....	4	.....	1	.....	5	.....
Alighting from train directly in front of another	16	1	.....	.....	.....	3	8	.....	2	.....	1	4	11
Found dead on track, definite cause unknown	97	2	.....	1	.....	10	.....	80	.....	16	.....	97	.....
Found injured on track, definite cause unknown	19	.....	.....	.....	.....	.....	2	2	13	1	1	3	16
Pedestrians at unprotected highway crossings	18	.....	.....	.....	.....	.....	.....	.....	.....	12	6	12	6
Pedestrians at highway grade crossings protected by bells	10	.....	.....	.....	.....	.....	.....	1	.....	8	2	9	2
Pedestrians at highway grade crossings protected by flagmen	13	.....	.....	.....	.....	1	.....	.....	.....	6	8	6	8
Pedestrians at highway grade crossings protected by gates	26	.....	.....	.....	.....	1	.....	16	9	.....	2	17	11
Vehicles at unprotected highway grade crossings	208	.....	.....	.....	.....	.....	8	.....	.....	57	171	57	179
Vehicles at highway grade crossings protected by bells	43	.....	.....	.....	.....	.....	.....	.....	.....	13	41	13	41
Vehicles at highway grade crossings protected by flagmen	54	.....	.....	.....	.....	.....	.....	.....	1	8	26	8	37
Vehicles at highway grade crossings protected by gates	37	.....	.....	.....	.....	1	1	2	.....	9	14	12	18
Resulting from vehicles running into sides of trains	83	.....	.....	.....	.....	.....	1	.....	.....	5	40	5	41
Coming in contact with crossing gates	25	.....	.....	.....	.....	.....	.....	.....	1	.....	18	.....	19
Resulting from catching foot in frogs	2	.....	.....	.....	.....	1	1	.....	.....	.....	.....	1	1
Resulting from catching foot in guard-rail	5	.....	.....	.....	.....	.....	5	.....	.....	.....	.....	.....	5
Resulting from catching foot in switch or accessories	4	.....	.....	.....	.....	.....	4	.....	.....	.....	.....	.....	4

PERSONAL INJURIES received while on track or adjacent thereto, either from contact with train or other causes (concluded).

Kind	Num- ber	Passengers		Persons carried under contract		Employees		Trespassers		Non- trespassers		Total	
		Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Resulting from catching foot in other track apparances.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	3
Stumbling over rails or ties in the track.....	34	.....	1	.....	.....	32	.....	.....	.....	.....	.....	1	33
Stumbling over rails or ties not in track but adjacent thereto.....	34	.....	3	.....	.....	22	.....	1	.....	.....	.....	.....	35
Slipping on ice, etc., on station platform, stairs, etc.....	11	.....	1	.....	.....	10	.....	.....	.....	.....	.....	.....	11
Slipping on ice, etc., on track, bridges, etc.....	34	.....	.....	.....	.....	33	1	.....	.....	.....	.....	1	33
Walking into turntable or engine pits.....	18	.....	.....	.....	.....	18	.....	.....	.....	.....	.....	.....	18
Coal etc falling from trains.....	29	.....	3	.....	2	23	1	.....	.....	.....	.....	1	28
Mail pouch thrown from passing train.....	2	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	2
Struck while standing on platform too close to track.....	7	1	3	.....	.....	.....	.....	.....	.....	.....	.....	1	6
Struck by open or loose car doors.....	12	.....	.....	.....	.....	11	.....	.....	.....	.....	.....	.....	12
Caught under cars while repairing them.....	12	.....	.....	.....	.....	9	5	.....	.....	.....	.....	5	19
Squeezed between cars on adjacent tracks.....	3	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	3
Squeezed between cars and adjacent buildings.....	5	.....	.....	.....	.....	2	.....	1	.....	.....	.....	1	3
Handling freight tools, or track material.....	48	.....	.....	.....	.....	44	.....	.....	.....	.....	.....	.....	48
Injured while throwing switch.....	56	.....	.....	.....	.....	56	.....	.....	.....	.....	.....	.....	56
Killed or injured while engaged in construction work.....	16	.....	.....	.....	.....	.....	10	.....	.....	.....	.....	.....	6
Other miscellaneous accidents.....	154	.....	4	.....	.....	136	.....	.....	.....	.....	.....	11	155
Totals.....	1,496	7	18	1	2	543	132	205	104	148	370	493	1,037

DERAILMENTS to passenger trains.

[illegible]

APPENDIX C: ACCIDENTS

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Other defective or broken trunk appliances.....	3
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DERAILMENTS to freight trains

Broken rails, main track	18
Broken rails, yard or sidetracks	17
Poor alignment main track	6
Poor alignment yard or sidetracks	3
Poor surface, main track	15
Poor surface yard or sidetracks	6
Inadequate super-elevation on sharp curves	1
Rails spreading, main track	3
Rails spreading, yard or sidetracks	11
Track out of gauge yard or sidetracks	12
Switch or derailed thrown under train	17
Flicking switch	3
Switch improperly adjusted or locked	28
Switch having been run through	26
Defective frog	16
Defective switch	14
Other defective or broken track appliances	5
Sharp flange	29

DERAILMENTS to freight trains (concluded).

Kind	Num- ber	Passengers		Persons carried under contract		Employees		Trespassers		Non- trespassers		Total	
		Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Switch set wrong, failure to observe position . .	1	..	..	..	..	..	..	..	..	..	..	..	..
Too sharp curvature	2	..	..	..	..	..	..	..	..	..	..	..	..
Trucks too stiff or failure of trucks to curve . .	23	..	..	..	1	..	2	..	..	..	..	..	8
Car lifted by adjacent car or locomotive . . .	1	..	..	..	..	..	..	..	..	..	..	..	..
Rolling of car or engine	3	..	..	..	..	..	..	..	..	..	..	..	..
Cars, etc., off center	1	..	..	..	..	..	..	..	..	..	..	..	..
Load shifting or eccentric	6	..	..	..	..	..	..	..	..	..	..	..	..
Running off derails, failure to observe position	15	..	..	..	..	2	..	..	..	..	..	2	..
Running off derails, failure to observe signal governing	5	..	..	..	..	..	..	..	..	..	..	..	..
Running off derails, failure of brakes to hold	3	..	..	..	..	..	..	..	..	..	..	..	..
Running off derails, signal changed in front of train	1	..	..	..	..	..	2	..	..	..	..	..	2
Defective locomotive brake equipment	4	..	..	..	..	..	..	..	..	..	..	..	..
Defective or broken locomotive machinery . .	1	..	..	..	..	..	..	..	..	..	..	..	..
Defective or broken locomotive trucks	3	..	..	..	..	..	..	..	..	..	..	..	..
Defective or broken locomotive draft rigging .	1	..	..	..	..	..	..	..	..	..	..	..	..
Defective or broken locomotive wheels	14	..	..	..	..	..	..	..	..	..	..	..	..
Defective or hot locomotive journals	1	..	..	..	..	..	..	..	..	..	..	..	..
Defective or broken locomotive journal	212	..	..	..	2	..	7	..	..	..	..	..	9
Defective or broken freight-car brakes	15	..	..	..	..	..	..	..	..	..	..	..	..
Old or weak car bodies	247	..	..	..	..	..	..	..	2	..	..	..	6
Defective or broken freight-car trucks	128	..	..	..	..	..	3	..	..	..	..	..	4
Defective or broken freight-car draft rigging .	201	..	..	..	..	..	4	..	..	..	1	..	7
Defective or broken freight-car wheels	101	..	..	..	..	..	5	..	1	..	..	..	3
Defective or hot freight-car journals	14	..	..	..	..	..	..	..	3	..	..	..	..
Defective or broken freight-car axles	11	..	..	..	..	..	..	..	..	..	..	..	..
Running off dead ends or into bumping blocks .	45	..	..	..	..	1	2	..	..	..	..	1	2
Foreign matter or snow and ice on tracks . .	26	..	..	..	..	..	3	..	..	..	..	..	3
Emergency or heavy application of air-brakes .	9	..	..	..	..	..	2	..	..	..	..	..	1
Buckling of trains or slack running in . . .	4	..	..	..	..	..	6	..	..	..	..	2	6
Excessive speed	1	..	..	..	..	..	..	..	..	..	..	..	..
Apparent malicious tampering	29	..	..	..	..	..	..	..	..	..	..	..	..
Unknown or unascertainable cause	8	..	..	..	..	..	7	..	..	..	..	2	7
Other miscellaneous accidents	8	..	..	..	..	..	1	..	..	..	..	2	3
Totals	1,358	..	..	4	..	8	50	..	6	2	4	10	64

REAR-END COLLISIONS between passenger trains and freight trains (concluded).

Kind	Num-ber	Passengers		Persons carried under contract		Employees		Trespassers		Non-trespassers		Total	
		Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Short or improper flagging.....	4	.....	3	.....	.....	.....	1	.....	.....	.....	.....	.....	9
Careless running.....	6	.....	9	.....	1	.....	7	.....	.....	.....	.....	.....	17
Poor judgment of distance.....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Failure of brakes to hold account of snow, ice, etc., on rail.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Other miscellaneous accidents.....	1	.....	2	.....	.....	.....	2	.....	.....	.....	.....	.....	4
Totals.....	19	.....	21	.....	1	.....	10	.....	.....	.....	.....	1	32

REAR-END COLLISIONS between freight trains.

Disobedience of signals.....	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
Disobedience of rules.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Defective signal system.....	3	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....
Improper signal displayed or incorrect instruction given.....	9	.....	.....	.....	.....	.....	7	.....	.....	.....	.....	.....	.....	7
Switch misplaced or incorrectly set.....	7	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	2
Short or improper flagging.....	20	.....	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	.....	6
Failure to observe train account of smoke, steam fog or snow.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Failure to observe train account of leaking steam.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Careless rubbing.....	55	.....	.....	.....	1	.....	2	.....	.....	.....	.....	.....	.....	40
Misjudging distance.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Failure to observe cars or trains on sidetrack.....	3	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....
Defective or inoperative air-brakes.....	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Failure of hand-brakes to hold.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Failure to set hand-brakes.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Failure of brakes to hold account of snow, ice, etc., on rail.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Train in advance stopped suddenly by parting, collided with by pusher following.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Loss of air through successive applications.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Breaking in two and coming together again.....	9	.....	.....	.....	.....	.....	3	.....	.....	.....	.....	.....	.....	3
Other miscellaneous accidents.....	6	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	2
Totals.....	141	.....	.....	.....	1	.....	3	.....	.....	.....	.....	3	.....	73

	2	1	2	13	1	13	1	1	7	58	35	2	5	8	167	Totals
Failure to observe train account of smoke, steam, fog, or snow	2	1	2	13	1	13	1	1	7	58	35	2	5	8	167	Totals
Not obeying instructions or warnings	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Totals
Failure to observe train account of leaking steam	2	1	2	13	1	13	1	1	7	58	35	2	5	8	167	Totals
Careless running	13	1	13	1	1	13	1	1	7	58	35	2	5	8	167	Totals
Failure to observe cars or trains on sidetrack	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Totals
Failure of hand-brakes to hold	13	1	13	1	1	13	1	1	7	58	35	2	5	8	167	Totals
Defective or inoperative air-brakes	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Totals
Failure to set hand-brakes	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	Totals
Cars pushed heavily into others or shoved against bumping posts	58	1	58	1	1	58	1	1	7	58	35	2	5	8	167	Totals
Cars colliding while being bumped or switched hard into other cars	35	1	35	1	1	35	1	1	7	58	35	2	5	8	167	Totals
Cars, etc not into clear	2	1	2	1	1	2	1	1	1	1	1	1	1	1	1	Totals
Cars uncoupling and running together	5	1	5	1	1	5	1	1	1	1	1	1	1	1	1	Totals
Miscellaneous accidents	8	1	8	1	1	8	1	1	1	1	1	1	1	1	1	Totals
Totals	167	16	167	16	16	167	16	16	16	167	16	16	16	16	167	Totals

COLLISIONS with hand-cars.

[illegible]

OTHER COLLISIONS.

[illegible]

FAILURE OF TRACK STRUCTURES.

[illegible]

ACCIDENTS TO EQUIPMENT NOT INVOLVING DERAILMENTS OR COLLISIONS.

	0	1	1	1	2	1
Locomotives.						
Flues bursting
Water glasses bursting.
Injector pipe bursting.
Collar on injector pipe blowing off.
Injector valve stem blowing out.

APPENDIX C: ACCIDENTS

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[illegible]

MISCELLANEOUS ACCIDENTS.

[illegible]

APPENDIX D

**BROKEN RAILS REPORTED FOR STEAM RAILROADS FOR THE YEARS
JULY 1, 1916, TO JUNE 30, 1917, AND JULY 1, 1917, TO
JUNE 30, 1918.**

BROKEN RAILS reported for eleven railroads for the years July 1, 1916, to June 30, 1917, and July 1, 1917, to June 30, 1918

Railroad	July		Aug		Sept		Oct.		Nov		Dec		Jan		Feb.		Mar		April		May		June		Totals	
	1916	1917	1916	1917	1916	1917	1916	1917	1916	1917	1916	1917	1916	1917	1916	1917	1916	1917	1916	1917	1916	1917	1916	1917	1916	1917
Boston and Albany					2		4		3		2		1		9		8		1		1		2		22	28
Boston and Maine					2		2		1		2		7		4		7		1		6		1		18	33
Buffalo Rochester and Pittsburgh	2	4	10	3			2		28		11		43		152		77		26		3		6		261	323
Central New England	4		3		2		4		2		4		19		36		53		8		7		4		59	187
Central New York Southern									1		3		3		7		10		37		7		1		1	2
Delaware and Hudson			4		2		2		1		3		2		32		143		11		33		1		43	212
Delaware Lackawanna and Western	21	27	29	33	42	34	50	65	41	55	27	70	51	105	155	143	61	88	59	89	53	45	32	31	621	791
Delaware and Northern			1		2		2		2		2		12		7		3		8		3		2		14	62
Eric	16	18	22	24	35	47	48	33	65	30	34	20	93	202	106	182	124	67	60	52	37	52	15	51	651	768
Fonda Johnstown and Gloversville									4																	10
Grand Trunk					1				3		1		2		2		3		5		1		1		4	14
Greenwich and Johnsonville					2				3		1		2		6		3		1		2		2		14	25
Lehigh and Hudson River	1		1		2				1		1		6		10		3		3		2		2		12	25
Lehigh Valley	3		2		2		3		3		5		9		7		14		11		5		3		71	265
Long Island	5		1		1		6		4		7		22		9		7		15		8		7		65	113
Long Island Central	20	15	23	21	33	30	51	36	53	69	31	100	70	627	249	663	73	405	53	144	45	87	40	26	741	2,223
New York Central	1				3		2		5		7		8		14		24		8		1		2		35	99
New York Chicago and St. Louis	3		4		5		5		6		3		6		18		14		4		7		2		80	57
New York New Haven and Hartford	3		1		2		3		5		3		8		18		14		4		7		9		110	265
New York Ontario and Western	2		2		3		6		7		10		7		65		29		35		7		1		313	515
Pennsylvania	6	10	8	12	9	11	16	32	19	39	28	41	22	153	85	117	74	61	19	19	14	10	5	10	313	515
Pittsburg Shawmut and Northern	3	10	6	19	7	14	8	13	4	10	14	11	16	49	26	52	31	42	25	12	15	10	8	7	163	249
Rutland			1		2		1		3		3		4		12		32		3		4		2		59	74
Union and Delaware	2		2		7		1		9		3		5		6		8		6		4		1		50	38
Totals	89	103	122	138	165	175	209	230	263	275	177	400	329	1,532	926	1,656	514	872	281	453	220	314	142	190	3,437	6,347

APPENDIX E

INSPECTIONS OF GAS AND RESULTS OF TESTS FOR YEAR 1918.

cxxxvi PUBLIC SERVICE COMMISSION, SECOND DISTRICT

TABLE I: For plants where daily tests of heating power are made by the corporation and checked at intervals by the Commission. Showing average heating power, variations, and deficiencies. It is required that the monthly average shall be not less than five hundred and eighty-five (585) British thermal units per cubic foot, and that the heating power shall not be more than 5 per cent below that value for any three successive days.

Place of test	Average B. t. u. for the year	Range of daily average, B. t. u.		Range of monthly average, B. t. u.		Deficiencies	
		Highest day in year	Lowest day in year	Highest month in year	Lowest month in year	Number of months deficient on average heating power	Number of times below 556 B. t. u. for three successive days
Albany.....	580	611	530	589	558	6	5
Amsterdam.....	573	624	499	586	551	10	6
Bay Shore.....	585	617	568	589	585	0	0
Binghamton.....	588	616	557	596	586	0	0
Buffalo.....	630	666	582	646	619	0	0
Canandaigua.....	581	671	470	600	558	7	5
Cohoes.....	588	639	515	604	566	4	1
Cortland.....	578	654	517	603	554	7	8
Fulton.....	585	688	554	597	574	4	0
Geneva.....	601	659	424	626	576	1	2
Glen Cove.....	596	672	532	621	582	2	0
Glens Falls.....	551	645	431	590	529	11	44
Gloversville.....	585	610	556	589	581	6	0
Hempstead.....	580	738	518	586	533	11	8
Hudson.....	578	632	507	590	540	4	10
Huntington.....	589	625	562	591	585	0	0
Ithaca.....	579	651	509	604	561	7	5
Kingston.....	579	645	520	595	559	8	8
Lockport.....	587	660	541	595	575	3	0
Middletown.....	607	697	530	632	580	1	0
Mount Vernon.....	583	617	550	597	565	4	1
Newburgh.....	587	660	551	589	585	0	0
Niagara Falls.....	601	698	558	634	578	4	0
Norwich.....	582	664	534	618	551	6	13
Nyack.....	599	629	574	607	594	0	0
Ogdensburg.....	590	639	527	600	568	1	1
Oneida.....	590	663	502	602	570	3	0
Oneonta.....	589	672	514	605	559	3	3
Ossining.....	594	624	561	602	589	0	0
Oswego.....	597	649	544	618	580	1	0
Peekskill.....	593	631	541	598	587	0	0
Plattsburgh.....	653	746	579	686	631	0	0
Port Jervis.....	594	628	476	604	586	0	0
Poughkeepsie.....	586	620	557	588	582	1	0
Rochester.....	568	607	509	583	525	12	26
Rome.....	586	641	550	596	572	1	0
Sag Harbor.....	587	630	552	596	583	2	0
Saratoga Springs.....	577	647	507	592	555	10	0
Schenectady.....	572	625	504	593	546	5	16
Syracuse.....	583	630	550	590	574	7	0
Tarrytown.....	589	618	542	595	585	0	0
Troy.....	583	613	531	593	575	8	1
Utica.....	585	673	537	593	571	3	0
Watertown.....	606	663	575	616	599	0	0
Waverly.....	598	670	537	618	582	1	0
White Plains.....	592	640	533	599	587	0	0
Yonkers.....	591	618	573	596	587	0	0

TABLE II: For plants of small size which are not required to make daily tests but where the heating power is inspected from time to time by the Commission. Showing the number of tests made since change to heating power standard, and a summary of the results. It is required that the average heating power shall be not less than five hundred and eighty-five (585) British thermal units per cubic foot.

Place of test	Num-ber of tests	Heating power (B. t. u.)			Number of tests showing less than 585 B. t. u.
		Maximum	Minimum	Average	
Albion.....	10	694	585	640	0
Bath.....	4	660	486	609	1
Beacon.....	8	617	547	584	3
Brockport.....	10	620	533	578	3
Canastota.....	9	620	434	527	7
Catakill.....	6	670	631	651	0
Clifton Springs.....	6	730	499	652	1
Corning.....	6	639	548	593	2
Dansville.....	6	671	551	621	1
Geneseo.....	5	683	475	613	1
Granville.....	9	624	543	589	4
Haverstraw.....	10	793	589	672	0
Malone.....	7	605	531	577	4
Mechanicville.....	8	656	558	618	1
Owego.....	9	657	530	601	3
Penn Yan.....	3	611	513	549	2
Rensselaer.....	7	594	529	556	6
Saranac Lake.....	6	601	536	572	4
Saugerties.....	5	670	591	627	0
Suffern.....	10	634	568	589	5
Tonawanda.....	11	586	464	525	10
*Goshen.....	11	*16.7	*14.8	*16.2	†1

* This plant has not changed to the heating power standard, and the figures shown represent candle-power.
† Number of times found below 16 (standard) candle-power.

TABLE III: Showing the number of tests made in each locality with respect to each of the factors shown, the number of deficiencies found, and a summary of the pressures obtaining at time of tests. The established standards prescribe a maximum of 30 grains of sulphur compounds and 10 grains of ammonia per 100 cubic feet of gas, and prohibit the presence of hydrogen sulphide.

Place of test	Number of tests for sulphur	Number of tests showing excessive sulphur	Number of tests for ammonia, hydrogen sulphide, and pressure	Number of tests showing excessive ammonia	Number of tests showing presence of hydrogen sulphide	Pressure in inches of water		
						Highest	Lowest	Average
Albany.....	13	0	13	0	0	5.0	3.3	4.1
Albion.....	7	0	10	0	5	3.0	2.5	2.9
Amsterdam.....	8	2	9	0	1	4.1	3.0	3.4
Bath.....	3	0	4	0	1	5.0	3.0	4.0
Bay Shore.....	9	3	12	0	5	4.2	3.2	3.9
Beacon.....	5	0	8	0	4	3.9	2.2	2.6
Binghamton.....	9	0	12	0	0	5.0	2.5	3.5
Brockport.....	8	2	11	0	1	5.0	4.0	4.8
Buffalo.....	8	0	12	0	0	4.0	3.5	3.9
Canandaigua.....	6	6	10	0	2	4.5	3.3	3.8
Canastota.....	6	0	9	0	0	4.3	2.5	3.4
Catakill.....	6	1	6	0	0	3.7	3.3	3.5
Clifton Springs.....	4	0	6	0	3	3.0	2.4	2.6
Cohoes.....	12	2	12	0	5	4.0	1.4	3.4
Corning.....	5	0	7	0	1	4.0	2.5	2.7
Cortland.....	5	0	9	0	0	4.0	3.4	3.6
Dansville.....	5	1	0	0	0	3.0	3.0	3.0
Fulton.....	6	0	9	0	0	4.0	3.3	3.8
Geneseo.....	6	0	6	0	0	4.0	2.0	3.7
Geneva.....	7	0	10	0	1	5.0	2.6	3.5
Glen Cove.....	9	1	11	0	5	6.3	5.2	5.8
Glen Falls.....	11	3	11	0	0	5.5	4.4	4.9
Gloversville.....	9	0	8	0	7	5.0	3.2	3.7
Goshen.....	8	3	11	0	2	2.6	1.7	2.1
Granville.....	9	0	9	0	5	3.0	2.1	2.6
Haverstraw.....	8	2	10	0	5	3.4	1.2	2.8
Hemstead.....	11	3	14	0	8	4.0	2.8	3.1

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 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

TABLE III: Showing the number of tests made in each locality with respect to each of the factors shown, the number of deficiencies found, and a summary of the pressures obtaining at time of tests. The established standards prescribe a maximum of 30 grains of sulphur compounds and 10 grains of ammonia per 100 cubic feet of gas, and prohibit the presence of hydrogen sulphide (concluded).

Place of test	Number of tests for sulphur	Number of tests showing excessive sulphur	Number of tests for ammonia, hydrogen sulphide, and pressure	Number of tests showing excessive ammonia	Number of tests showing presence of hydrogen sulphide	Pressure in nches of water		
						Highest	Lowest	Average
Hudson.....	8	0	9	0	8	3.4	2.6	3.2
Huntington.....	7	0	9	0	5	3.6	3.3	3.4
Ithaca.....	6	0	9	0	1	4.0	3.2	3.8
Kingston.....	9	1	11	0	3	6.0	3.5	5.6
Lockport.....	9	0	13	0	0	6.0	4.0	4.7
Malone.....	6	1	7	0	3	3.3	1.8	2.9
Mechanicville....	9	0	8	0	4	3.3	2.6	3.0
Middletown.....	8	0	10	0	5	5.6	3.1	4.6
Mount Vernon...	10	0	13	0	1	4.0	2.9	3.1
Newburgh.....	9	2	12	0	2	4.3	3.4	3.8
Niagara Falls....	9	1	11	0	4	3.6	1.6	2.5
Norwich.....	10	1	10	0	5	4.2	3.3	3.9
Nyack.....	7	2	9	0	4	3.8	2.9	3.2
Ogdensburg.....	7	0	7	0	0	3.1	3.0	3.0
Oneida.....	5	0	8	0	0	4.0	3.0	3.2
Oneonta.....	10	0	10	0	5	4.6	3.6	4.0
Ossining.....	9	3	12	0	4	3.5	2.9	3.1
Oswego.....	6	0	9	0	3	5.0	3.7	4.1
Owego.....	6	0	9	0	1	4.2	2.5	3.3
Peekskill.....	11	2	13	0	0	3.6	3.0	3.4
Penn Yan.....	3	0	3	0	0	3.2	3.0	3.1
Plattsburgh.....	6	0	7	0	0	3.8	3.1	3.5
Port Jervis.....	9	4	11	0	8	3.6	2.6	3.2
Poughkeepsie....	10	2	12	0	0	5.8	4.7	5.2
Rensselaer.....	7	0	7	0	7	3.8	3.3	3.5
Rochester.....	11	0	14	0	4	5.0	3.0	3.6
Rome.....	9	0	9	0	0	4.8	3.6	4.3
Sag Harbor.....	6	2	8	0	1	4.0	2.9	3.6
Saratoga Springs.	12	0	12	0	0	5.2	2.3	4.1
Saranac Lake....	6	1	6	0	6	3.8	2.6	3.3
Saugerties.....	5	0	5	0	0	4.4	4.0	4.2
Schenectady.....	11	0	11	0	1	5.7	4.0	5.1
Suffern.....	8	3	10	0	10	3.5	2.5	3.1
Syracuse.....	5	0	9	0	5	5.6	4.0	4.5
Tarrytown.....	9	4	11	0	2	4.3	3.0	3.9
Tonawanda.....	8	0	10	0	0	5.7	3.3	4.8
Troy.....	12	0	12	0	0	3.4	2.4	2.8
Utica.....	10	0	10	0	4	6.2	3.8	4.7
Watertown.....	7	0	7	0	4	4.8	3.7	4.2
Waverly.....	7	0	10	0	4	3.9	2.5	3.3
White Plains....	8	1	13	0	6	5.6	2.9	3.9
Yonkers.....	12	0	15	0	0	4.1	3.0	3.5

TABLE IV: Showing the kind of gas furnished in each municipality, and a summary of the test^s made for sulphur and ammonia.

Place of test	Kind of gas	Gr. per 100 cu. ft. of gas				
		Sulphur			Ammonia	
		Highest	Lowest	Average	Highest	Lowest
Albany.....	Water.....	13.2	5.3	8.2	1.0	1.0
Albion.....	Coal.....	26.9	6.9	16.7	5.0	1.0
Amsterdam.....	Mixed.....	37.0	6.1	23.1	1.0	1.0
	Coal.....	25.1	25.1	25.1	1.0	1.0
	Water.....	15.0	15.0	15.0	1.0	1.0
Bath.....	Water.....	17.4	4.1	9.9	1.0	1.0
Bay Shore.....	Water.....	44.6	3.2	20.0	1.0	1.0
Beacon.....	Water.....	13.2	4.8	9.0	1.0	1.0
Binghamton.....	Water.....	14.0	3.0	6.2	1.0	1.0
Brockport.....	Coal.....	33.6	8.6	21.2	1.0	1.0
Buffalo.....	Mixed.....	14.1	7.3	10.7	1.0	1.0
Canandaigua.....	Coal.....	13.2	1.5	8.1	1.0	1.0
Canastota.....	Coal.....	18.2	6.6	11.5	1.0	1.0

APPENDIX E: TESTS OF GAS

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TABLE IV: Showing the kind of gas furnished in each municipality, and a summary of the tests made for sulphur and ammonia (concluded).

Place of test	Kind of gas	Gr. per 100 cu. ft. of gas				
		Sulphur			Ammonia	
		Highest	Lowest	Average	Highest	Lowest
Catskill.....	Coal.....	31.0	7.8	21.5	1.0	1.0
Clifton Springs.....	Water.....	4.9	4.2	4.5	1.0	1.0
Cohoes.....	Water.....	39.0	8.0	16.8	1.0	1.0
Corning.....	Water.....	10.2	2.9	5.7	1.0	1.0
Cortland.....	Coal.....	20.2	15.1	18.2	1.0	1.0
Dansville.....	Water.....	34.6	9.0	17.3	1.0	1.0
Fulton.....	Mixed.....	17.4	1.7	10.6	1.0	1.0
	Coal.....	12.2	6.2	9.2	1.0	1.0
Geneseo.....	Coal.....	29.8	7.8	13.7	1.0	1.0
Geneva.....	Coal.....	10.7	4.9	8.4	1.0	1.0
Glen Cove.....	Water.....	30.1	3.5	13.9	1.0	1.0
Glens Falls.....	Coal.....	32.2	8.3	25.6	1.0	1.0
Gloversville.....	Water.....	14.5	2.1	7.8	1.0	1.0
Goshen.....	Coal.....	37.5	1.8	19.9	1.0	1.0
	Water.....	13.9	13.9	13.9	1.0	1.0
Granville.....	Water.....	19.7	3.9	9.6	1.0	1.0
Haverstraw.....	Water.....	36.6	5.4	20.6	1.0	1.0
Hempstead.....	Water.....	37.5	3.1	19.8	1.0	1.0
Hudson.....	Water.....	19.7	5.6	10.7	1.0	1.0
Huntington.....	Water.....	16.2	3.4	10.4	1.0	1.0
Ithaca.....	Mixed.....	1.1	1.8	6.2	1.0	1.0
Kingston.....	Water.....	24.3	4.2	14.3	1.0	1.0
	Mixed.....	37.0	9.2	20.2	1.0	1.0
Lockport.....	Mixed.....	16.8	4.0	10.2	1.0	1.0
Malone.....	Water.....	15.1	15.1	15.1	3.6	1.0
	Coal.....	35.7	11.0	20.3	1.0	1.0
Mechanicville.....	Water.....	14.9	5.3	9.2	1.0	1.0
Middletown.....	Water.....	17.1	3.2	6.0	1.0	1.0
Mount Vernon.....	Water.....	25.6	3.5	7.4	1.0	1.0
Newburgh.....	Water.....	33.4	2.2	13.9	1.0	1.0
Niagara Falls.....	Coal.....	30.2	4.5	11.4	1.0	1.0
Norwich.....	Water.....	35.5	6.0	15.1	1.0	1.0
Nyack.....	Water.....	36.6	3.5	18.1	1.0	1.0
Ogdensburg.....	Coal.....	26.4	11.0	15.5	1.0	1.0
Oneida.....	Coal.....	10.6	5.1	8.1	5.0	1.0
Oneonta.....	Water.....	11.4	4.9	8.1	1.0	1.0
Ossining.....	Water.....	34.7	5.4	18.2	1.0	1.0
Oswego.....	Coal.....	23.3	6.8	15.1	2.0	1.0
Owego.....	Coal.....	21.5	1.6	12.7	1.0	1.0
Peekskill.....	Water.....	32.9	2.9	12.3	1.0	1.0
Penn Yan.....	Coal.....	6.2	5.1	5.5	1.0	1.0
Plattsburgh.....	Water.....	0.7	6.2	8.2	1.0	1.0
Port Jervis.....	Water.....	35.3	4.0	22.0	1.0	1.0
Poughkeepsie.....	Water.....	36.3	4.8	14.8	1.0	1.0
Rensselaer.....	Water.....	21.5	7.7	15.1	1.0	1.0
Rochester.....	Mixed.....	11.0	2.6	7.1	1.0	1.0
	Coal.....	25.7	16.1	20.7	1.0	1.0
Rome.....	Mixed.....	25.8	16.1	20.7	1.0	1.0
	Water.....	33.1	6.8	16.1	1.0	1.0
Sag Harbor.....	Water.....	31.7	7.5	18.5	1.0	1.0
Saranac Lake.....	Water.....	11.0	4.9	7.6	1.0	1.0
Saratoga Springs.....	Water.....	11.0	4.9	7.6	1.0	1.0
Saugerties.....	Coal.....	15.5	9.5	12.7	1.0	1.0
Schenectady.....	Mixed.....	19.7	1.8	10.3	1.0	1.0
Shufeln.....	Water.....	38.1	8.1	21.3	1.0	1.0
Syracuse.....	Water.....	8.4	4.0	5.9	1.0	1.0
Tarrytown.....	Water.....	37.4	4.2	21.1	1.0	1.0
Tonawanda.....	Mixed.....	17.2	1.7	9.8	5.0	1.0
Troy.....	Water.....	11.3	3.7	6.5	1.0	1.0
Utica.....	Water.....	20.5	5.3	10.9	1.0	1.0
Watertown.....	Water.....	17.2	4.2	9.8	6.3	1.0
Waverly.....	Water.....	11.8	3.2	6.4	1.0	1.0
White Plains.....	Water.....	35.7	3.2	10.4	1.0	1.0
Yonkers.....	Water.....	13.3	8.5	6.1	1.0	1.0

APPENDIX F

TELEPHONE SERVICE TESTS.

[cxli]

cxlii PUBLIC SERVICE COMMISSION, SECOND DISTRICT

TELEPHONE SERVICE TESTS.

Columns 4, 5, and 6 are elapsed time, in seconds.

Name of company	Exchange	Total number of tests	Average answer	Average disconnection	Average re-call
Allegany County Tel.	Belfast.	25	5.1	6.	.....
Allegany County Tel.	Belmont.	15	4.2	.....	7.1
Allegany County Tel.	Cuba.	50	3.9	5.	.....
Black River Tel.	Adams.	30	5.7	6.5	.....
Cape Vincent Tel.	Cape Vincent.	10	3.7	4.2	.....
Casenovia Tel.	Casenovia.	15	4.4	.....	.....
Clymer Tel.	Clymer.	25	4.3	5.5	.....
Columbia & Rensselaer Tel.	Nassau.	10	3.4	3.9	.....
Dunkirk & Fredonia Tel.	Fredonia.	100	4.7	6.5	7.4
Earlville Tel.	Earlville.	10	4.6	.....	.....
Eric-Wyoming Tel.	Chaffee.	25	4.1	5.3	.....
Federal Tel. & Tel.	Arkport.	15	4.4	5.6	.....
Federal Tel. & Tel.	Campbell.	10	4.	.....	.....
Federal Tel. & Tel.	Canastota.	25	4.7	5.4	5.8
Federal Tel. & Tel.	Dunkirk.	75	4.2	5.2	4.6
Federal Tel. & Tel.	Gowanda.	50	4.5	6.4	6.1
Federal Tel. & Tel.	South Dayton.	25	4.4	5.6	.....
Friendship Tel.	Friendship.	25	4.3	5.4	.....
Morrisville Tel.	Morrisville.	15	4.1	.....	.....
Mountain Home Tel.	Canton.	70	4.1	4.8	7.5
Mountain Home Tel.	Gouverneur.	50	4.1	4.2	7.2
New Berlin Tel.	New Berlin.	10	4.5	.....	.....
New York Tel.	Albany (East).	100	3.9	5.	.....
New York Tel.	Albany (Main).	200	4.5	5.7	7.4
New York Tel.	Albany (West).	150	4.4	4.3	.....
New York Tel.	Allegany.	20	4.6	5.8	.....
New York Tel.	Angola.	15	4.5	.....	.....
New York Tel.	Arcade.	30	3.8	4.9	.....
New York Tel.	Astoria.	100	3.9	.....	.....
New York Tel.	Attica.	25	4.	5.	4.7
New York Tel.	Babylon.	50	3.8	3.8	.....
New York Tel.	Batavia.	75	3.9	4.7	5.1
New York Tel.	Bay Shore.	25	3.4	.....	.....
New York Tel.	Binghamton.	100	4.	5.1	.....
New York Tel.	Cherry Creek.	30	4.6	5.4	.....
New York Tel.	Corning.	100	4.	5.2	7.
New York Tel.	Cortland.	100	3.4	7.7	.....
New York Tel.	Dobbs Ferry.	54	3.2	3.4	.....
New York Tel.	Dunkirk.	100	3.9	4.4	6
New York Tel.	East Rochester.	20	4.2	4.4	4.4
New York Tel.	Elba.	20	4.3	5.7	.....
New York Tel.	Elmira.	250	4.2	4.9	7.8
New York Tel.	Endicott.	50	3.6	4.2	.....
New York Tel.	Far Rockaway.	60	4.7	.....	.....
New York Tel.	Floral Park.	24	3.6	.....	.....
New York Tel.	Flushing.	100	4.	5.	.....
New York Tel.	Forestville.	30	4.8	.....	.....
New York Tel.	Freeport.	60	4.4	4	.....
New York Tel.	Garden City.	60	3.3	.....	.....
New York Tel.	Glen Cove.	50	4.8	3	.....
New York Tel.	Holland.	25	3.9	5.4	.....
New York Tel.	Holley.	25	4.2	5	.....
New York Tel.	Hornell.	75	3.8	3.9	4.4
New York Tel.	Ho scheeds.	25	4.2	5.4	.....
New York Tel.	Huntington.	50	3.5	3.	.....
New York Tel.	Jamaica.	100	4.3	.....	.....
New York Tel.	Johnson City.	75	3.4	4.1	.....
New York Tel.	Le Roy.	25	4	4.9	5.5
New York Tel.	Long Beach.	50	4.7	4	.....
New York Tel.	Lyndonville.	25	3.9	4.4	5.
New York Tel.	Mamaroneck.	50	3.2	.....	.....
New York Tel.	Millbrook.	10	3.9	.....	.....
New York Tel.	Mount Kisco.	40	3.4	4.	.....
New York Tel.	Mount Vernon.	100	3.9	.....	.....
New York Tel. (N. Y. City).	Bay Ridge.	100	5.2	.....	.....
New York Tel. (N. Y. City).	Bedford.	125	4.6	.....	.....
New York Tel. (N. Y. City).	Bowling Green.	100	5.	6.	.....
New York Tel. (N. Y. City).	Broad.	100	4.2	5.	.....
New York Tel. (N. Y. City).	Bryant.	100	4.5	.....	.....
New York Tel. (N. Y. City).	Bushwick.	50	3.5	.....	.....
New York Tel. (N. Y. City).	Canal.	100	4.6	.....	.....
New York Tel. (N. Y. City).	Cathedral.	100	3.5	5.9	.....
New York Tel. (N. Y. City).	City Island.	48	3.8	4.	.....
New York Tel. (N. Y. City).	Coney Island.	50	6.2	6.
New York Tel. (N. Y. City).	Decatur.	50	3.6

APPENDIX F: TELEPHONE SERVICE TESTS

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TELEPHONE SERVICE TESTS (concluded).

Columns 4, 5, and 6 are elapsed time, in seconds.

Name of company	Exchange	Total number of tests	Average answer	Average disconnection	Average re-call
New York Tel. (N. Y. City)	East New York	100	4.	5.	.....
New York Tel. (N. Y. City)	Evergreen	100	3.1	.....	.....
New York Tel. (N. Y. City)	Farragut	100	5.2	.....	.....
New York Tel. (N. Y. City)	Flatbush	75	5.5	6.8	.....
New York Tel. (N. Y. City)	Franklin	137	4.8	5.6	.....
New York Tel. (N. Y. City)	Gramercy	147	5.5	9.3	.....
New York Tel. (N. Y. City)	Greenpoint	75	5.3	5.	.....
New York Tel. (N. Y. City)	Hamilton	50	4.2	5.1	.....
New York Tel. (N. Y. City)	Hammels	75	5.5	4.	.....
New York Tel. (N. Y. City)	John	100	5.4	5.5	.....
New York Tel. (N. Y. City)	Larchmont	50	3.1	4.	.....
New York Tel. (N. Y. City)	Lenox	50	5.2	4.	.....
New York Tel. (N. Y. City)	Main	100	5.2	6.	.....
New York Tel. (N. Y. City)	Midwood	61	4.6	3.7	.....
New York Tel. (N. Y. City)	New Dorp.	38	5.3	.....	.....
New York Tel. (N. Y. City)	New Rochelle	130	4.1	.....	.....
New York Tel. (N. Y. City)	Newtown	75	4.7	.....	.....
New York Tel. (N. Y. City)	Plaza	90	4.7	6.	.....
New York Tel. (N. Y. City)	Prospect	75	4.7	4.3	.....
New York Tel. (N. Y. City)	Rector	100	4.6	.....	.....
New York Tel. (N. Y. City)	Rhineland	100	4.5	4.8	.....
New York Tel. (N. Y. City)	Riverside	50	3.7	.....	.....
New York Tel. (N. Y. City)	Schuyler	70	5.4	4.7	.....
New York Tel. (N. Y. City)	South	50	4.9	5.3	.....
New York Tel. (N. Y. City)	Spring	63	5.7	7.	.....
New York Tel. (N. Y. City)	Stagg	50	3.6	.....	.....
New York Tel. (N. Y. City)	Sterling	100	4.	.....	.....
New York Tel. (N. Y. City)	Stuyvesant	62	5.2	4.8	.....
New York Tel. (N. Y. City)	Vanderbilt	60	8.3	6.	.....
New York Tel. (N. Y. City)	Williamsburg	100	4.	.....	.....
New York Tel. (N. Y. City)	Worth	75	8.1	5.	.....
New York Tel.	Nyack	25	3.3	.....	.....
New York Tel.	Oakfield	25	4.8	7.2	.....
New York Tel.	Olean	200	3.9	5.4	6.
New York Tel.	Ossining	50	4.1	3.3	.....
New York Tel.	Owego	50	4.	5.	5.1
New York Tel.	Patchogue	50	4.1	3.	.....
New York Tel.	Piermont	20	3.9	.....	.....
New York Tel.	Pleasantville	30	3.	3.	.....
New York Tel.	Port Chester	75	4.2	5.4	.....
New York Tel.	Port Jefferson	25	4.2	.....	.....
New York Tel.	Randolph	25	4.4	7.1	.....
New York Tel.	Rochester (Chase)	75	4.4	4.8	.....
New York Tel.	Rochester (Genesee)	75	4.3	5.	.....
New York Tel.	Rochester (Main)	100	4.1	5.5	.....
New York Tel.	Richmond Hill	100	5.3	.....	.....
New York Tel.	Rockville Center	75	4.6	3.5	.....
New York Tel.	Rye	50	3.	.....	.....
New York Tel.	Sayville	25	3.8	.....	.....
New York Tel.	Scarsdale	50	3.9	.....	.....
New York Tel.	Silver Creek	50	3.9	5.7	5.7
New York Tel.	South Dayton	25	4.1	5.3	.....
New York Tel.	Spring Valley	20	3.5	.....	.....
New York Tel.	Springville	25	4.1	4.9	4.9
New York Tel.	Suffern	20	3.7	.....	.....
New York Tel.	Tarrytown	56	2.7	.....	.....
New York Tel.	Tompkinsville	100	4.3	.....	.....
New York Tel.	Tuckahoe	50	3.7	4.	.....
New York Tel.	Tully	10	3.8	.....	.....
New York Tel.	Warsaw	50	3.9	4.1	6.2
New York Tel.	Watertown	100	5.1	4.9	14.7
New York Tel.	Watkins	20	4.1	4.8	.....
New York Tel.	Waverly	50	4.	4.3	5.9
New York Tel.	West New Brighton	100	3.9	.....	.....
New York Tel.	White Plains	100	4.5	3.4	.....
New York Tel.	Yonkers	100	3.4	.....	.....
Opden Tel.	Spencerport	20	3.6	4.3	4.3
Olean Interstate Tel.	Franklinville	50	4.2	5.1	.....
Portland Tel.	Brocton	35	5.7	7.4	7.4
Ripley Tel.	Ripley	25	5.1	.....	.....
Rochester Tel.	Rochester (Glenwood)	100	4.1	5.	.....
Rochester Tel.	Rochester (Park)	50	5.8	6.5	.....
Rochester Tel.	Rochester (Stone)	100	4.4	5.8	.....
Schoharie Tel.	Tanner ville	10	4.1	5.	.....
Sherburne Tel.	Sherburne	10	3.9	.....	.....

APPENDIX G

ORDERS, 1918.

[1]

[Case No. 6284]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of GROTON ELECTRIC POWER CORPORATION under section 68, Public Service Commissions Law, for permission to construct an electric plant in the towns of Dryden and Groton, and in the incorporated villages of Freeville and Dryden, Tompkins county; and for approval of franchises therefor from municipal authorities.

Upon the facts found and for the reasons stated in the accompanying Opinion, it is determined and stated that the construction of said electric plant or plants and the exercise of said franchises are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Groton Electric Power Corporation, under section 68 of the Public Service Commissions Law, to construct in the towns of Dryden and Groton, and in the incorporated villages of Freeville and Dryden, Tompkins county, poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power, in accordance with the terms and provisions of the following franchises:

- a. Consent of the town board and superintendent of highways of the Town of Dryden, Tompkins county, dated November 1, 1917;
- b. Consent of the town board and superintendent of highways of the Town of Groton, Tompkins county, dated November 2, 1917;
- c. Consent of the president and trustees of the Village of Dryden, Tompkins county, dated November 5, 1917;
- d. Consent of the president and trustees of the Village of Freeville, Tompkins county, dated October 23, 1917.

2. That the permission and approval of the Commission be given to said Groton Electric Power Corporation to exercise the rights and privileges conferred by each of said franchises, subject however to all lawful terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

4. It is understood, however, that construction will not be commenced until the petitioner shall apply for and receive from this Commission authority to issue capital stock, and, if necessary, other securities in proper amount to provide for the initial construction and operation.

5. The approval of said franchises is not a determination nor does it imply a determination that the rates mentioned therein are just or reasonable, or that they are not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York.

4 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6302]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of January, 1918.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

Petition of NEWBURGH & NEW WINDSOR BUS COMPANY, INC., for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Newburgh, it being proposed that the route shall also be operated to New Windsor.

The Newburgh & New Windsor Bus Company, Inc., seeks a certificate of public convenience and necessity for the operation of a stage line by auto buses over certain streets in the city of Newburgh as a part of a route to be operated between Newburgh and New Windsor. The city council of the City of Newburgh on December 24, 1917, duly consented that the rights granted by said council on November 19, 1917, to Benjamin B. Odell, to operate said route should be assigned by said Benjamin B. Odell to the petitioner, and pursuant to such consent, on December 24, 1917, an assignment was made by said Benjamin B. Odell to the petitioner. A public hearing was held in Albany January 3, 1918, at which Mr. Martin S. Decker appeared for the petitioner and for the Orange County Traction Company. No one appeared in opposition. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Newburgh & New Windsor Bus Company, Inc., of an auto bus line as provided in the consent heretofore granted by the city council of the City of Newburgh to Benjamin B. Odell, and thereafter assigned by said Benjamin B. Odell to the petitioner by and with the consent of the city council. Copies of such consents and assignment are on file with the petition herein. The route over which petitioner proposes to run is as follows: Beginning at Clinton Square and running thence in a direct route over South Water street to the Turl factory in New Windsor. Also from the terminus of the Bridge Street line of the Orange County Traction Company in a direct route over and upon Bridge street, Mill street, Quassaick bridge, and the road running to the south of Stroock's mill to the Turl factory in New Windsor. This certificate is granted subject to all the terms and conditions of the consents hereinabove mentioned, and subject to present and future ordinances of the City of Newburgh and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 83]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of THE TERMINAL RAILWAY OF BUFFALO for a modification of the determination of the Board of Railroad Commissioners dated April 30, 1907, as to the railway of said company crossing highways in the town of West Seneca, Erie county.

The work covered by the determination of the Board of Railroad Commissioners of April 30, 1907, and modified determination of the Public Service Commission dated November 18, 1909, in the above entitled matter, so far as it relates to the construction of a viaduct carrying the French and Union roads over the Gardenville yards, having been entirely completed in accordance with the requirements of said determinations to the satisfaction of the railroad company, to the Town of Cheektowaga, and to this Commission, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossings of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

Ordered: 1. That the fifth intermediate accounting entered into by The New York Central Railroad Company with the Village of Bronxville, showing expenditures to the amount of \$9218.69 properly and necessarily incurred in carrying out the Commission's orders in the above entitled matter, be and it is hereby approved, the entire sum of \$9218.69 having been expended by the railroad corporation; said accounting having been accepted by the railroad corporation as indicated by the signature of its treasurer, and by the Village of Bronxville as indicated by the signature of its president.

2. That of the total amount of \$9218.69 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$4609.35; the share of the Village of Bronxville is \$2304.67; and the share of the State of New York is \$2304.67, said amount being now due and payable by the State of New York to The New York Central Railroad Company from funds appropriated for the elimination of grade crossings.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day of
January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MAYOR AND
COMMON COUNCIL OF THE CITY OF JAMESTOWN for the
elimination of certain grade crossings of highways
over the tracks of the Erie Railroad Company in the
city of Jamestown.

Ordered: That a fifth intermediate accounting and settlement of expenses
incurred by the Erie Railroad Company, the City of Jamestown, and the
State of New York, on account of the work now in course of execution under
order of this Commission in the above entitled matter, be entered into by the
interested parties, said accounting to include expenditures to January 1, 1918.

[Case No. 3211]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day of
January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the CENTRAL NEW
ENGLAND RAILWAY COMPANY for the elimination of
the following grade crossings in the town of Lloyd,
Ulster county: (1) the North Road to Black Lake;
(2) the New Paltz Turnpike, also known as the
Whittley crossing; and (3) for determining the man-
ner in which the proposed new crossing at Brooks
crossing shall be constructed.

The work at Whittley's crossing, covered by the Commission's determina-
tion of April 28, 1913, in the above entitled matter, having been entirely
completed in accordance with the requirements of said determination, and
approved plans and specifications, to the satisfaction of the railroad com-
pany, of the Town of Lloyd, and of this Commission, it is

Ordered: That the completed work be and is hereby approved.

[Case No. 5982]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the LONG ISLAND LIGHTING COMPANY under section 69, Public Service Commissions Law, for authority to issue \$581,000 in first mortgage 5 per cent 25-year gold bonds under an existing mortgage; and for approval of a supplement to said mortgage.

Supplemental
order.

Petition filed April 21, 1917; hearing held May 10, 1917; order entered July 18, 1917; supplemental petition (letter) filed July 27, 1917; amendatory order entered July 31, 1917; second supplemental petition filed January 2, 1918; hearing held January 5, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order herein dated July 18, 1917, is hereby modified and amended to authorize the Long Island Lighting Company to sell \$185,500 of the \$217,000 face value of 5 per cent 25-year first mortgage gold bonds therein authorized for not less than 78 per cent of their face value and accrued interest to realize net proceeds of at least \$144,690.

2. That the Long Island Lighting Company is hereby authorized to issue \$33,000 face value of 5 per cent 25-year first mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated March 1, 1911, and supplements thereto, given to the Bankers Trust Company as successor trustee by merger to the Mercantile Trust Company of New York, to secure an authorized issue of bonds of a total face amount of \$6,000,000.

3. That said bonds of the total face value of \$33,000 may be sold for not less than 78 per cent of their face value and accrued interest to realize net proceeds of at least \$25,740.

4. That the proceeds of said bonds of the face value of \$33,000 so authorized, which shall not be less than \$25,740, together with the proceeds to be realized from the sale of \$185,500 of bonds authorized by ordering clause No. 1 herein to be sold for not less than 78 per cent of their face value, viz. \$144,690: total proceeds \$170,430, shall be applied solely and exclusively toward the purposes for which \$217,000 of bonds or their proceeds were authorized to be used by order herein dated July 18, 1917, i. e. for the retirement of outstanding first mortgage 5 per cent 20-year gold bonds of the Suffolk Gas and Electric Light Company, a constituent merged company of the petitioner, aggregating \$200,000, of which \$29,000 face amount have heretofore been retired: \$171,000.

5. That the Long Island Lighting Company shall within thirty days after service upon it of a copy hereof file with this Commission a verified report showing (a) the amount of bonds which have been sold under authorization hereof; (b) the date of such sale; (c) to whom such bonds have been sold; (d) the amount realized from such sale; (e) any other terms and conditions of such sale; (f) the use or application of the proceeds of any such sale to be reported in detail. Similar reports shall be filed within five days after the expiration of each recurring thirty days' period until all of said bonds shall have been sold and the proceeds expended as herein permitted, or until revocation hereof by reason of changed conditions before the authorization herein shall have been fully made use of.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good

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faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issuance of the bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6277]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of January, 1918.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.**

In the matter of the Complaint of the SUPERVISOR OF THE TOWN OF MONTGOMERY, PRESIDENT INCORPORATED VILLAGE OF WALDEN, and PRESIDENT CHAMBER OF COMMERCE OF WALDEN, Orange county, against THE NEW YORK CENTRAL RAILROAD COMPANY, operating the Wallkill Valley railroad, as to passenger train service.

After the company had answered this complaint, representative of complainants notified the Commission that "Under the very peculiar conditions existing throughout the country at the present time, the Village of Walden desires to withdraw its complaint to the Public Service Commission of the State of New York as to train service on the Wallkill Valley railroad to and from Walden, N. Y., but without prejudice to renewing the same at such time in the future as and when conditions return to normal". Therefore it is

Ordered: That this complaint is hereby closed upon the records of the Commission.

[Case No. 6314]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of January, 1918.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.**

In the matter of the operation by the ELMIRA WATER, LIGHT AND RAILROAD COMPANY of street cars over the Main Street highway bridge over the Chemung river at Elmira, N. Y.

It appearing to the Commission that the Main Street highway bridge over the Chemung river at Elmira, Chemung county, N. Y., is unsafe for the operation thereover of street cars loaded with passengers, it is

Ordered: That the Elmira Water, Light and Railroad Company show cause before this Commission, at its office in the city of Albany on Tuesday,

January 15th, at 10 o'clock in the forenoon, why it should not discontinue such operation until said bridge is made safe therefor and until the further order of the Commission herein.

[Case No. 2805]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,

FRANK IRVINE,

JAMES O. CARR,

JOHN A. BARHITE,

Commissioners.

In the matter of the Petitions of THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA, Erie county; and the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SLOAN, Erie county, for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

Ordered: 1. That the third intermediate accounting entered into by The Delaware, Lackawanna and Western Railroad Company with the Lehigh Valley Railroad Company, the Erie Railroad Company, and the Town of Cheektowaga, showing expenditures to the amount of \$13,613.21, exclusive of interest, properly and necessarily incurred to August 31, 1917, in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; said accounting having been accepted by The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer, by the Lehigh Valley Railroad Company as indicated by the signature of its chief engineer, by the Erie Railroad Company as indicated by the signature of its assistant chief engineer, and by the Town of Cheektowaga as indicated by the signature of the town attorney.

2. That of the total amount of \$13,613.21 thus expended and herein accounted for, the share of and the amount chargeable to The Delaware, Lackawanna and Western Railroad Company is the sum of \$4563.10; the shares of and the amounts chargeable to the Lehigh Valley Railroad Company and the Erie Railroad Company as fixed by contract dated February 3, 1917, are the respective sums of \$1275.60 and \$967.91; the share of the Town of Cheektowaga is the sum of \$3403.30; and the share of the State of New York is the sum of \$3403.30, said last mentioned sum to be paid by the State out of funds appropriated for the elimination of grade crossings.

10 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6040]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of ALFRED C. DAVIS and others of Jamestown under section 71 of the Public Service Commissions Law against PENNSYLVANIA GAS COMPANY as to price of natural gas charged private consumers.

A writ of certiorari sued out by the Pennsylvania Gas Company in this matter having been dismissed by the Appellate Division, Third Department, it is

Ordered: That the Pennsylvania Gas Company answer this complaint within ten days after the service on it of a certified copy of this order.

[Case No. 6185]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition (complaint) of the NIAGARA LIGHT, HEAT AND POWER COMPANY under sections 71 and 72 of the Public Service Commissions Law, asking that it may be allowed to charge domestic consumers \$1.40 a thousand cubic feet for artificial gas in the city of North Tonawanda and the city of Tonawanda.

The original application in this case was for permission to increase the price of gas. It subsequently developed that the Niagara Light, Heat and Power Company could obtain, and has made tentative arrangements to obtain a supply of byproduct coke oven gas, and the company now desires to furnish such gas to its consumers without changing the current price. It seems to be established that the furnishing of this gas would be beneficial to the localities served, and the cities of Tonawanda and North Tonawanda raise no objections. The investigation made by the Commission shows, however, that the gas in question will not meet in all respects the standards heretofore fixed by this Commission for artificial gas furnished in this District. The Commission has not had an opportunity to make an extensive investigation into the use of byproduct gas throughout that portion of the State under its jurisdiction, so it can not at this time establish a standard for such gas. It is proposed to continue this investigation with a view to establishing a standard, and the granting of this order is only a step in that direction. We consider that it might be prejudicial to the interests of the people and the industries in Tonawanda and North Tonawanda and the territory adjacent thereto in

which the petitioner operates if we should delay the establishing of a temporary standard for that locality until such time as the investigation by the Commission is concluded. It is therefore

Ordered: That all byproduct coke oven gas furnished and sold by the Niagara Light, Heat and Power Company shall, when corrected to a temperature of sixty (60) degrees F. and a pressure of thirty (30) inches of mercury, have a monthly average total heating power of not less than five hundred and fifty (550) British thermal units per cubic foot, and shall not for any three consecutive days average less than five hundred and twenty-five (525) British thermal units per cubic foot, and shall at no time have a total heating power of less than five hundred (500) British thermal units per cubic foot.

Further Ordered: That the provisions of the Commission's order of October 11, 1916, entered in case No. 1502, be and they hereby are modified and superseded in such parts, and in no others, as are inconsistent with the foregoing.

Further Ordered: That this order shall become effective when said Niagara Light, Heat and Power Company shall begin furnishing to its consumers gas which is obtained principally from byproduct coke ovens, and shall remain in force and effect only during such times as more than seventy-five (75) per cent of the gas furnished shall be so obtained.

Further Ordered: That the foregoing provisions shall apply only to the Niagara Light, Heat and Power Company, and only to byproduct gas furnished by that company within the counties of Erie and Niagara, New York; and that the Commission reserves the right, either upon complaint or upon its own motion, to investigate the quality of the gas furnished by said company, and to annul, amend, or modify the terms of this order.

[Case No. 6222]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint under sections 71 and
72 of the Public Service Commissions Law of the
MAYOR AND COMMON COUNCIL OF THE CITY OF GLENS
FALLS *against* GLENS FALLS GAS AND ELECTRIC LIGHT
COMPANY as to price of gas.

The parties to this proceeding having filed with the Commission on January 9, 1918, a stipulation consenting that the complaint be withdrawn and the proceedings thereunder discontinued, it is

Ordered: That the complaint be and the same hereby is dismissed and the case closed on the records of this Commission.

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[Case No. 6236]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of UNION SPRINGS LIGHT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct an electric plant in municipalities in Cayuga county, and for approval of franchises; also under section 54, Public Service Commissions Law, joint.

The Union Springs Light and Power Company has for some years been operating an electric plant in the village of Union Springs, in Cayuga county, by means of a steam plant which has been unprofitable. The company now desires to purchase current from the Empire Gas and Electric Company, taking it from the lines of the Empire Gas and Electric Company in the town of Aurelius at a point adjoining the right of way of the Central New York Southern Railroad Corporation just east of the city of Auburn. In order to construct the necessary transmission line it has made a contract with the Central New York Southern Railroad Corporation whereby it has obtained the right to construct the transmission line along the right of way of the railroad to a point near the Mapleton station. It there passes to a highway and proceeds along highways to the village of Union Springs. This line passes through the towns of Aurelius, Fleming, and Springport. Franchises have been obtained from each of these towns, and a new franchise from the Village of Union Springs. It is contemplated to furnish current to owners of property adjoining the transmission line. A hearing was held at Syracuse January 7th, at which Messrs. Hancock, Spriggs and Hancock (by Mr. Murray) appeared as attorneys for the petitioner, and Morse O. Dell Plain appeared as president of the petitioner; J. H. Huber appeared for the State Highway Department. There was no opposition to the application. It is determined and stated that the construction of said electric plant and the exercise of the following franchises are necessary and convenient for the public service:

- a. Consent of the president and trustees of the Village of Union Springs dated April 2, 1917;
- b. Consent of the town board and superintendent of highways of the Town of Springport dated October 3, 1917;
- c. Consent of the town board and superintendent of highways of the Town of Fleming dated September 25, 1917;
- d. Consent of the town board of the Town of Aurelius dated November 13, 1917.

It is therefore

Ordered: 1. That the permission and approval of the Commission be given to Union Springs Light and Power Company, under section 68 of the Public Service Commissions Law, to construct, operate, and maintain poles, wires, and any other fixtures or structures necessary for the conduction or transmission of currents of electricity over, along, and across any of the highways of the towns of Springport, Fleming, and Aurelius, and the incorporated village of Union Springs, Cayuga county, in accordance with the terms and conditions of the franchises aforesaid.

2. That the permission and approval of the Commission be given to said Union Springs Light and Power Company to exercise the rights and privileges conferred by each of said franchises, subject however to all the terms and conditions thereof.

3. The consent and approval of the Commission are also given to the exercise by the petitioner of the rights conferred under the contract heretofore referred to between the petitioner and the Central New York Southern Railroad Corporation, a copy whereof is attached to the petition.

4. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

5. The approval of said franchises is not a determination that the rates mentioned therein are just or reasonable, or that they are not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York.

[Case No. 6241]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK LEVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of HENRY C. DRAKE
AS PRESIDENT OF THE VILLAGE OF FREDONIA *against*
THE NEW YORK CENTRAL RAILROAD COMPANY, asking
that gates be provided and maintained at a crossing
at grade of the Valley division of said company's
railroad and East Main street, in said village.

The President of the Village of Fredonia, New York, having made application to this Commission for an order directing The New York Central Railroad Company to install, maintain, and operate proper gates at the crossing of the Valley branch, Erie division, of said railroad over East Main street in said village; and issue having been joined and a hearing had before Commissioner Barhite at the office of the Commission in the city of Buffalo, New York, on the 28th day of December, 1917, at which time the complainant appeared in person and by his attorney, H. J. Westwood, esq.; and The New York Central Railroad Company appeared by Maurice C. Spratt, esq., its attorney; and the Receiver of the Buffalo and Lake Erie Traction Company appeared by its attorneys, Messrs. Kenefick, Cooke, Mitchell and Bass.

Ordered: That The New York Central Railroad Company be and it is hereby ordered to continue in operation the signal bell now placed at the crossing over East Main street in the village of Fredonia, New York, of the track of the Erie division, Valley branch, of said railroad, and shall have said bell and the apparatus connected therewith regularly inspected and kept in good working order.

Further Ordered: That between the hours of 7 o'clock a. m. and 12 o'clock midnight said railroad shall station at said crossing heretofore mentioned a flagman, who shall be at his post of duty at least ten minutes before the arrival of any car, train, or locomotive which will cross said East Main street, and shall remain at his said post of duty until said car, train, or locomotive shall have finally crossed said street; said flagman while on duty in the daytime shall carry in his hand a flag or other appropriate signaling device, and at night, when a flag or other device can not be readily seen, he shall carry a lighted lantern.

Further Ordered: That a signboard, painted white, with the words in black letters painted on each side of the same "Railroad Crossing Danger" shall be erected at the crossing in such a position that it may readily be

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seen for a distance of three hundred feet by any person approaching the crossing in the highway from either direction, between sunrise and sunset. The bottom of said sign shall be at least ten feet above the surface of the street, and the letters shall be sufficiently large so that the words may be conveniently read at a distance of three hundred feet during the last named period of time.

Within ten days after the receipt of a copy of this order said railroad company shall notify this Commission whether the terms of this order are accepted and will be obeyed. The requirements of this order shall be carried out by the railroad company within fifteen days after its receipt by the company.

[Case No. 6269]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of SYRACUSE LIGHTING COMPANY under section
68, Public Service Commissions Law, as to construc-
tion and exercise of a revocable permit from the State
Superintendent of Public Works.

This is a petition under section 68 of the Public Service Commissions Law for permission to construct and maintain a conduit for conveying electric energy along state land adjoining the canal in the village of Solvay, Onondaga county, N. Y., and for the exercise of a revocable permit therefor from the State Superintendent of Public Works. A hearing was held in the city of Syracuse on Monday, January 7th, at which Mr. James C. DeLong appeared as president of the Syracuse Lighting Company. There was no appearance in opposition. It is determined and stated that the construction of said conduit and the exercise of said permit are necessary and convenient for the public service; and it is

Ordered: 1. That the permission and approval of the Commission be given to Syracuse Lighting Company, under section 68 of the Public Service Commissions Law, to construct and maintain a conduit for the conveying of electrical energy along state land adjoining the canal in the village of Solvay, N. Y.

2. That the permission and approval of the Commission be given to said Syracuse Lighting Company to exercise the rights and privileges conferred by a revocable permit granted by the State Superintendent of Public Works October 3, 1917, for the construction and maintenance of said conduit, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 6271]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the GOWANDA LIGHT AND POWER CORPORATION under section 68 of the Public Service Commissions Law for permission to construct an electric plant in the incorporated village of Gowanda; and for approval of franchise.

The Gowanda Light and Power Corporation having filed its petition with this Commission asking that a franchise duly granted to said corporation by the board of trustees of the Village of Gowanda on the 11th day of April, 1917, may be approved, and that said corporation may have permission to erect an electric light plant pursuant to said franchise; and due notice of the pendency of said application having been given; and said application having come on to be heard before Commissioner Barhite in the city of Buffalo on the 28th day of December, 1917, at which time said petitioner appeared by George A. Larkin, esq., of Olean, New York, its attorney; and this Commission after due hearing having determined that the exercise of the right, privilege, and franchise granted to said corporation by the said Village of Gowanda, and the construction of its plant in pursuance of the terms of said franchise, are necessary and convenient for the public service,

Ordered: That the franchise heretofore granted to the Gowanda Light and Power Corporation by the trustees of the Village of Gowanda on the 11th day of April, 1917, a certified copy of which franchise is filed with this Commission, is hereby approved; and said Gowanda Light and Power Corporation is hereby permitted to erect, place, maintain, and re-place electric light poles, conduits, wires, and necessary fixtures therefor in, over, under, and upon any of the streets, avenues, lanes, and public grounds of the village of Gowanda, New York, now in use or hereafter opened and used in said village; and to install, maintain, and operate an electric light plant and necessary equipment in said village, and to furnish electricity for light, heat, and power therein; and to use the poles, conduits, wires, and electric light plant so to be constructed for the purpose of producing, furnishing, and selling electricity for light, power, and heat within said village, and to use the said lines so erected to transmit electricity for light, heat, and power beyond the bounds of said village, upon the terms, conditions, and agreements contained in the franchise granted to said company by the trustees of the Village of Gowanda on the 11th day of April, 1917.

Further Ordered: That said Gowanda Light and Power Corporation shall not enter upon or construct any works in or upon any portion of a state or county highway which has been or may be improved under the provisions of the Highway Law except upon the approval of and under such conditions and regulations as may be prescribed by the State Commissioner of Highways.

16 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6295]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY under section 54, Railroad Law, for consent to the discontinuance of its Crystal Lake station as a passenger station.

The Buffalo, Rochester and Pittsburgh Railway Company having made due application to this Commission for leave to discontinue its station at Crystal Lake as a passenger station, upon the ground that there is no passenger traffic to or from said point; said application having come on to be heard before Commissioner Barhite at the city of Rochester on the 3rd day of January, 1918, at which time said railroad appeared by its counsel, Messrs. Havens and Havens; and due proof of notice of said hearing having been filed; and it appearing that said station was the junction point with the Buffalo and Susquehanna Railway Company and an interchange point for passengers to and from said railroad; and it further appearing that said Buffalo and Susquehanna railway has abandoned operations and that its rails have been torn up,

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company be and it is hereby authorized to discontinue its Crystal Lake station as a passenger station and to omit the name of said station from its passenger schedules.

[Case No. 6316]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of abandonment or proposed abandonment of operation of NEW YORK AND PENNSYLVANIA RAILWAY.

Order
to show
cause.

It having been brought to the attention of this Commission that the New York and Pennsylvania Railway in this State has been or is proposed to be abandoned, it is

Ordered: That said New York and Pennsylvania Railway Company shall show cause before this Commission, at the office of the Commission, No. 58 North Pearl street, corner of Steuben street, in the city of Albany, on Wednesday, January 16, 1918, at 10 o'clock a. m., why it should not continue to operate its railway in this State, and resume operation if operation has ceased.

[Case No. 397]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day January, 1918.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of Marking Less Than Carload Shipments of Freight. Petition of C. C. McCAIN, joint agent of the carriers, for modification of orders.

Appearances: Henry Adams, general freight agent, 50 Church street, New York city, for Erie Railroad Company; E. P. Bates, assistant freight traffic manager, Philadelphia, Penna., for The Pennsylvania Railroad Company; H. C. Burnett, assistant general freight agent, 143 Liberty street, New York city, for Lehigh Valley Railroad Company; R. L. Calkins, freight claim agent, New York city, for The New York Central Railroad Company; W. S. Kallman, assistant freight traffic manager, Grand Central Terminal, New York city, for The New York Central Railroad Company; R. W. Davis, freight traffic manager, Rochester, N. Y., for Buffalo, Rochester and Pittsburgh Railway Company; Edward S. Giles, assistant general freight agent, 90 West street, New York city, for The Delaware, Lackawanna and Western Railroad Company; A. B. Thompson, freight claim agent, Scranton, Penna., for The Delaware, Lackawanna and Western Railroad Company; Lucius H. Kentfield, general freight agent, New Haven, Conn., for The New York, New Haven and Hartford Railroad Company, Central New England Railway Company, and New England Steamship Company; G. Marks, New Haven, Conn., for The New York, New Haven and Hartford Railroad Company; C. W. Nash, Albany Chamber of Commerce, Albany, N. Y., for various shippers; W. B. Wackerhagen, 39 State street, Albany, N. Y., for the Albany Hardware and Iron Company; Harry E. Campbell, 405 North Pearl street, Albany, N. Y., for the Campbell Architectural Iron Company, Inc.; George A. Collins, 36 State street, Albany, N. Y., for Pillsbury Flour Mills Company; E. W. Ladd, 133 North Pearl street, Albany, N. Y., for Albany Builders Supply Company; Captain L. S. Lansing, 1 Post Office Building, Albany, N. Y., for Transportation Branch, Ordnance Department; Martin J. Lower, Auburn, N. Y., for International Harvester Company; D. S. McKinlay, 120 North Allen street, Albany, N. Y., for McKinlay & Co.; E. T. Wareing, Montgomery and Colonie streets, Albany, N. Y., for John H. Jackson Tile Company.

Certain railroad companies of the State, by their agent, C. C. McCain, in December last, jointly petitioned this Commission to revoke and cancel its orders of August 19 and September 17, 1908, in respect of the rule for marking packages of less than carload freight, and asked that in place of the rule thus provided for it may be provided that each package or loose piece of freight, in less than carload lots, presented for shipment, shall be legibly and durably marked with the name of the consignee, station, town, or city, and state, to which destined; and that other provisions of Rule 3 of the Official Classification shall apply to such shipments. A public hearing on said petition was held by this Commission in Albany on December 18th, at which those named above appeared, and various statements and testimony of witnesses were presented. For reasons stated in an Opinion of the Commission in this matter of this date, it is

Ordered: 1. That the orders of this Commission of August 19, 1908, and September 17, 1908, in this matter, are hereby annulled.

Ordered: 2. That the railroad companies named in said orders, so far as they now exist, and under their present names, and all other railroads operating in the State of New York, may adopt and put in effect, on statutory notice, the rule now existing and known as Rule No. 3 of the Official Classification (copy of which Rule No. 3 is filed in this office by R. N. Collyer, Agent, in P. S. C., 2 N. Y., O. C. No. 44, pages 19 and 20).

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Ordered: 3. Said railroad companies may, under the statute (section 29, Public Service Commissions Law, as amended by chapter 240, laws of 1914), file exceptions and modifications to said rule; and shippers are hereby given notice that on refusal of said railroad companies to make exceptions or modifications applied for by said shippers, petition may be made to this Commission, in specific instances, for a determination by the Commission that said exceptions or modifications shall be made.

[Case No. 4643]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of January, 1918.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF BROOKHAVEN, Suffolk county, under section 91, chapter 378 of the laws of 1914, for the reconstruction of an existing undergrade crossing of the Long Island railroad with Blue Point avenue, at Blue Point, in said town of Brookhaven.

Upon the recommendation of The Long Island Railroad Company as indicated by the signatures respectively of its chief engineer, principal assistant engineer, and bridge engineer upon two plans, each dated August 22, 1917, showing details of abutments and the superstructure proposed to be erected to carry out the Commission's determination of February 15, 1917, in the matter above entitled; and upon the approval of the local authorities as similarly indicated by the approval signatures on said plans of the supervisor of the town and of the town superintendent of highways, it is

Ordered: That said detail plans be and are hereby approved.

[Cases Nos. 5815, 5816]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of January, 1918.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of PATRONS OF THE WADING RIVER BRANCH *against* THE LONG ISLAND RAILROAD COMPANY, asking that the passenger train formerly leaving New York at 5:12 (or 5:18) p. m. and Brooklyn at 5:16 p. m. (consolidated) be restored.

In the matter of the Complaint of the PATRONS OF THE WADING RIVER BRANCH *against* THE LONG ISLAND RAILROAD COMPANY, asking that the passenger train leaving New York at 4:29 p. m. and Brooklyn at 4:31 p. m. (consolidated) make its first stop at Syosset.

Hearing held at the office of the Commission in the city of New York on January 11, 1918. Appearances: Milton L'Ecluse, W. B. Codling, and A. U.

Campbell representing the complainants; C. L. Addison representing the respondent. In these cases the Commission made an order with respect to the operation of trains Nos. 648 and 652 during 1917. The Long Island Railroad Company has applied to the Commission for permission to consolidate trains Nos. 648 and 652, now leaving New York at 4:30 p. m. and 5:09 p. m. respectively, and to replace them by one train leaving New York at about 4:45 p. m. It also asks permission to discontinue its morning train No. 619, arriving at New York at 9:08 a. m., and to carry the passengers now using this train on train No. 621, scheduled to arrive in New York at 9:15 a. m. It is claimed that this will enable the company to make a considerable saving in fuel and labor and that it will not seriously inconvenience the traveling public. The complainants assert that the service at present is no more than is required properly to serve the public, but that they are prepared to submit to inconvenience temporarily if it will aid the Government and the railroad in the present emergency. The Commission is of the opinion that every possible effort should be made at this time to conserve fuel and labor wherever possible. It is therefore

Ordered: 1. That the order of the Commission in these cases under date of February 13, 1917, be and the same hereby is modified with respect to trains Nos. 648 and 652; and permission is hereby given to consolidate said trains and run one train in place thereof beginning January 21, 1918, such new train to leave New York at such time between 4:30 p. m. and 5:09 p. m. as will best accommodate the greater number of people now making use of such trains, preferably around 4:45 p. m.

2. That permission be and the same hereby is given to The Long Island Railroad Company to discontinue its present train No. 619, arriving in New York at 9:08 a. m., on January 21, 1918, and to take care of the traffic on said train on train No. 621, arranging if possible to start said train No. 621 a little earlier so as to insure its arrival in New York as nearly on schedule as possible.

3. That The Long Island Railroad Company give notice of the proposed rearrangement of its trains as provided in this order, during the week of January 14, 1918, by posting the same in such stations on its Wading River branch as may be affected by the provisions of this order; and also by publishing the same in one or more newspapers published in villages on this branch affected by the proposed changes if there are any such publications.

[Case No. 6226]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of January, 1918.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of SAND LAKE BOARD OF TRADE, Rensselaer county, *against* TROY AND NEW ENGLAND RAILWAY COMPANY, asking half fare for school children.

After this complaint was served the company put in effect a tariff providing for half fare for school children, and representative of complainant notified this Commission that said tariff is satisfactory; therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

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[Case No. 6286]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of January, 1918.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of BOMBAY ELECTRIC CORPORATION under section 69, Public Service Commissions Law, for authority to issue capital stock.

Petition filed December 15, 1917; report of division of capitalization dated January 12, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the issuance by the Bombay Electric Corporation on August 16, 1917, of \$1300 par value of its common capital stock, and the application of the proceeds realized from the sale thereof at par toward the cost of construction of its plant and property, is hereby authorized *nunc pro tunc*.

2. That the Bombay Electric Corporation is hereby authorized to issue an additional \$700 par value of common capital stock, which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$700.

3. That said stock of the par value of \$700 so authorized, or the proceeds thereof which shall not be less than \$700, shall be applied solely and exclusively toward the cost of construction of the plant and system of the petitioner, viz. \$8136.60, less proceeds of \$1300 of stock herein authorized *nunc pro tunc* already applied toward such purpose, \$1300: \$6836.60.

4. That the Bombay Electric Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold during such period in accordance with the authority contained herein; (b) the date of such sale; (c) to whom such stock was sold; (d) any other terms and conditions of such sale; (e) in detail the amount expended during such period of the proceeds of the stock herein authorized for the purpose specified herein and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purpose have been charged, giving all details of any credits to fixed capital in connection with such expenditures. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

5. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money procured and to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6314]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of January, 1918.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the operation by the ELMIRA WATER, LIGHT AND RAILROAD COMPANY of street cars over the Main Street highway bridge over the Chemung river at Elmira, N. Y.

It having been suggested by the division of electric railroads that the bridge across the Chemung river at Elmira, at Main street, was probably unsafe for use by street cars of the Elmira Water, Light and Railroad Company, an examination was made by the engineer of grade crossings and a report made to the Commission leading to the conclusion that the bridge is unsafe for the loads now being operated over it, but that it would be safe for cars having 4-ft. axle spacing, wheel load 2700 lbs.; 6-ft. 4-in. axle spacing, wheel load 3400 lbs.; 8-ft. axle spacing, wheel load 3500 lbs. An order was therefore issued directing the respondent to show cause why it should not discontinue such operation until said bridge is made safe therefor and until further order of the Commission. Upon the hearing the respondent appeared by its attorneys, its superintendent, and its engineer. The mayor of the City of Elmira was also present. The correctness of the report of the Commission's engineer was conceded by the city and the respondent, but it appeared that it would be uneconomical and, in fact, impossible to so strengthen the existing bridge as to make the present operation safe, and that legal and financial obstacles, as well as the present difficulty in securing labor and materials, would prevent the construction of a new bridge as contemplated by the city in the near future. The respondent, however, suggested that a portion of the traffic could be handled without very serious inconvenience to patrons over another route, using the Lake Street bridge, and that by the construction of about eighteen hundred feet of new track the Lake Street bridge could be used and the present route resumed near the south end of the Main Street bridge. Obviously this construction can not be carried on during the Winter, but the people using the street car lines which have been operating over the Main Street bridge must for the present submit to some inconvenience in order not to be subjected to grave danger. It is therefore

Ordered: 1. That the respondent, the Elmira Water, Light and Railroad Company, forthwith, upon service of a copy of this order, discontinue the operation of street cars over the bridge on Main street across the Chemung river in the city of Elmira, except cars having axle spacing and wheel loads within the limits of the engineer's report as above set forth, and shall not resume operation with other cars until a new bridge shall be constructed or permission obtained from the Commission.

2. That it proceed as promptly as possible to formulate plans and take the legal steps necessary to provide facilities for its traffic heretofore carried over the Main Street bridge by another route.

3. That the respondent notify the Commission within five days after the service of this order as to its acceptance thereof.

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[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

Ordered: 1. That the fourth intermediate settlement entered into by The New York Central Railroad Company with the City of Ogdensburg, showing expenses to the amount of \$7914.32 properly and necessarily incurred to November 1, 1917, in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$5889.77 has been expended by the railroad corporation, and the sum of \$2024.55 has been expended by the city; said settlement having been accepted by the railroad corporation as indicated by the signature of its treasurer, and by the City of Ogdensburg as indicated by the signature of its mayor.

2. That of the total amount of \$7914.32 thus expended and herein accounted for, the share of and the amount chargeable to the railroad company is the sum of \$3957.16; the share of the City of Ogdensburg is \$1978.58, upon which it is entitled to a credit of \$2024.55, leaving as a balance now due the city on this settlement the sum of \$45.97; and the share of the State of New York is the sum of \$1978.58, which is now due and payable by the State to The New York Central Railroad Company and the City of Ogdensburg in amounts respectively \$1932.61 and \$45.97, these sums to be drawn from sums appropriated for the elimination of grade crossings.

[Case No. 5981]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for the elimination of crossings in the cities of Tonawanda and North Tonawanda.

Upon the recommendation of The New York Central Railroad Company as indicated by the signature of the chief engineer upon three plans, file numbers 60441, 60491, and 60462, showing respectively (a) the alignment of the temporary detour and the construction therefor, (b) the details of the masonry, and (c) the details of the superstructure of the permanent bridge proposed to carry the changed line of the railroad company across Tonawanda creek; and upon the approval of the State of New York as similarly indicated on said plans by the approval signatures of the Superintendent of Public Works and the State Engineer, it is

Ordered: That said plans be and are hereby approved by this Commission.

[Case No. 6249]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of MARCELLUS LIGHTING COMPANY, INC., under section 69, Public Service Commissions Law, for authority to issue \$7500 in common capital stock.

Petition filed October 31, 1917; report of division of light, heat, and power dated January 11, 1918; report of division of capitalization dated January 14, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Marcellus Lighting Company, Inc., is hereby authorized to issue \$7500 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$7500.

2. That the proceeds of said stock of the par value of \$7500 so authorized, which shall be not less than \$7500, shall be used solely and exclusively for the following purposes: (a) for additions and betterments to its property and system as detailed in schedule B attached to the petition herein \$6500; (b) for working capital, \$1000: \$7500; in so far as the same may be applicable, provided (1) that the proceeds of such stock shall be applied toward the cost of new construction summarized in subdivision (a) hereof only in so far as such new construction constitutes a real increase in the fixed capital of the petitioner as defined by the Uniform System of Accounts for Electrical Corporations; (2) that the working capital herein allowed shall not be disbursed for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

3. That the Marcellus Lighting Company, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold during such period; (b) the date of such sale; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause No. 2 of this order there shall be shown in detail the amount expended during such period of the proceeds of the stock herein authorized and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) with respect to subdivision (b) of clause No. 2 of this order there shall be shown the amount of stock proceeds so used during such period. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is

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reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6272]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF WATKINS EMPLOYED IN MONTOUR FALLS *against* ELMIRA WATER, LIGHT AND RAILROAD COMPANY, asking for operation of an additional car at night and on Saturday a. m.

The Elmira Water, Light and Railroad Company operates a line of electric railroad between Elmira and Watkins through Montour Falls. Cars are operated hourly in each direction. A considerable number of residents of Watkins are employed in an industrial plant at Montour Falls, which is something more than three miles from Watkins. Nearly all of these people return after work to Watkins on a car leaving Elmira at 4:30 and Montour Falls at 5:45. The complaint asks that the company be required to run an additional car at this time from Montour Falls to Watkins, except on Saturdays and Sundays, and also to run an additional car at 11:45 a. m. on Saturdays, the industry closing at noon on that day. It is asserted and the evidence shows that the 5:45 car is overcrowded, and at some times much overcrowded. It appears on the other hand that in order to run an additional car it would be necessary to operate it from Millport, about twelve miles from Watkins, there being no terminal facilities at Montour Falls or Watkins. Under present conditions of fuel shortage and man shortage, the Commission does not feel that it would be justified in requiring this operation. The representative of the complainants at the hearing stated that occasionally a different type of car was used affording more standing room. When this car is used passengers are carried with less discomfort. The whole matter has been investigated by the electric railway division of this Commission and the respondent has agreed to use the more commodious type of car in this particular run. It has also promised that when Spring opens, if the Montour-Watkins traffic continues to be as great as at present, it will build a switch at Watkins which will enable it to carry a trailer on this run and thus altogether relieve the situation. It is impossible to carry the trailer now for lack of such facilities at Watkins, and obviously the work can not be done at present. It is therefore

Ordered: That the case be and the same hereby is closed on the records of the Commission, in reliance on the company's promises as above stated, with leave however to reopen at the request of any complainant.

[Case No. 6291]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF ESOPUS, Ulster county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking that train No. 2 (passenger) on the West Shore railroad stop at Port Ewen, Ulster Park, and Esopus.

In the above matter the company answered that it "is arranging to change the timetable on the River division either on January 13th or 20th, at which time it is contemplated to stop train No. 2 at these stations as requested, running the train daily except Sunday"; and representative of complainants informed the Commission that this is satisfactory. Therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 6330]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the alteration of the highway grade crossings of Payne avenue, Linwood avenue, Fredericka street, East Felton street, Jackson avenue, Stenzel street, Ward road, and other streets in the city of North Tonawanda by the tracks of the International Railway Company.

By an order made January 13, 1916, this Commission determined that a proposed double-track extension of the International Railway Company's electric railroad between the cities of Buffalo and Niagara Falls should cross Payne avenue, Linwood avenue, Fredericka street, East Felton street, Jackson avenue, Stenzel street, and Ward road in the city of North Tonawanda at grade. Now, this Commission being of the opinion that public safety requires an alteration in said existing grade crossings above specifically mentioned, and also an alteration in the crossings at grade by said International railway of any and all other streets in said city south of the so called Witmer road therein,

Ordered: That International Railway Company, City of North Tonawanda, and all persons interested show cause before this Commission, at its office in the city of Buffalo, on the 6th day of February, 1918, at 10:30 o'clock in the forenoon, why it should not proceed to alter all and each of said grade crossings herein mentioned and referred to as provided in section 91 of the Railroad Law.

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[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 (now section 91) of the Railroad Law as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad (lessor) extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of The New York Central Railroad Company and the Bronx Parkway Commission as indicated by the respective signatures of the manager of the Grand Central Terminal improvements of the railroad company and the engineer and secretary of the Bronx Parkway Commission upon a plan marked "Map 372," showing details of the east abutment of the Broad Street viaduct, connecting the cities of Mount Vernon and Yonkers, to be constructed pursuant to a determination of this Commission dated December 16, 1915, in the matter above entitled; and upon the approval of the authorities of the cities of Mount Vernon and Yonkers as indicated by the respective signatures on said plan of the mayor of the City of Mount Vernon and the city engineer of the City of Yonkers, it is

Ordered: That said plan be and it is hereby approved.

[Case No. 3915]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the HORNELL ELECTRIC COMPANY under section 69 of the Public Service Commissions Law to issue a mortgage for \$400,000 and an equal amount of 5 per cent thirty-year gold bonds.

Petition filed October 20, 1913; hearing held November 5, 1913; order entered November 11, 1913; amendatory order entered December 2, 1913;

report of division of light, heat, and power dated December 15, 1913; supplemental order entered December 16, 1913; reports of division of capitalization dated February 24, 1914, and April 21, 1915; supplemental petition filed November 17, 1917; reports of division of capitalization dated November 30, 1917, and January 21, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order herein dated December 16, 1913, is hereby amended to authorize the Hornell Electric Company to pledge all or any part of \$35,000 face value of the 5 per cent 30-year first and refunding mortgage sinking fund gold bonds therein authorized to be issued as collateral security for its short-term loans, provided that the following prohibitions are observed: (a) that the principal of the loans for which any of said bonds may be pledged shall in no event be less than 85 per cent of the face value of such bonds; (b) that said bonds shall not be pledged for a greater period than one year from the date of this order without the further order of this Commission.

2. That the proceeds of the loans for which bonds heretofore authorized herein are pledged as collateral security shall be used exclusively for the purposes for which the proceeds of the bonds were authorized to be used, as provided in the order heretofore entered herein on December 16, 1913.

3. That the Hornell Electric Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) the face amount of bonds which have been pledged during such period in accordance with the authority contained herein; (b) the date of such pledging; (c) with whom such bonds were pledged; (d) the principal, term, and interest rate of each loan for which such bonds are pledged; (e) any other terms and conditions of such transactions; (f) the amount of loan proceeds expended during such period for each of the purposes specified in the order herein dated December 16, 1913, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures.

4. That in all other respects the order heretofore entered herein on December 16, 1913, shall remain in full force and effect.

[Case No. 5774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the **POUGHKEEPSIE CITY AND WAPPINGERS FALLS ELECTRIC RAILWAY COMPANY** under subdivision 10, section 8, Railroad Law, for consent to the making of a first refunding mortgage for \$2,000,000; and under section 55, Public Service Commissions Law, for authority to issue now \$596,000 in 5 per cent 40-year gold bonds to be secured thereby.

Superseding
order.

Petition filed November 13, 1916; certified copy of articles of incorporation filed November 23, 1916; report of division of capitalization dated January 8, 1917; report of division of steam roads dated January 15, 1917; hearing held February 13, 1917; copy of proposed mortgage filed February 27, 1917; report of division of capitalization dated March 27, 1917; order entered March 28, 1917; supplementary report of division of steam roads

dated August 16, 1917; revised form of mortgage filed November 22, 1917; reports of division of capitalization dated December 19, 1917, and January 22, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the supplementary report of the division of capitalization in this proceeding dated December 19, 1917, a copy of which shall be served upon the corporation, such entries being listed on pages 8 to 12 inclusive thereof, shall be entered upon the books of the Poughkeepsie and Wappingers Falls Railway Company (formerly Poughkeepsie City and Wappingers Falls Electric Railway Company), and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Poughkeepsie and Wappingers Falls Railway Company is hereby authorized to execute and deliver to the Equitable Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, to be dated the 1st day of January, 1918, to secure an issue of first mortgage forty-year coupon gold bonds to the aggregate amount of \$2,000,000 face value, bearing interest at the rate of 6 per cent per annum, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

4. That the Poughkeepsie and Wappingers Falls Railway Company is hereby authorized to issue \$596,000 face value of its 6 per cent first mortgage coupon gold bonds under the aforesaid mortgage.

5. That the said bonds of a total face value of \$596,000 shall be used solely and exclusively for the purpose of even exchange for a like face amount of the following outstanding bonds: \$346,000 face value of first mortgage 5 per cent 30-year gold bonds maturing July 1, 1924; \$250,000 face value of second mortgage 6 per cent 30-year gold bonds maturing July 1, 1937; provided that if only a portion of the bonds herein authorized of a total face value of \$596,000 shall be used for the purpose of exchange, the said partial exchange shall be on the same proportionate basis as is hereinbefore required for the entire amount.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Poughkeepsie and Wappingers Falls Railway Company unless any such pledge or hypothecation shall have been expressly approved and authorized by the Commission.

7. That the Poughkeepsie and Wappingers Falls Railway Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been exchanged during such period in accordance with the authority contained herein; (b) the date of such exchange; (c) with whom such bonds were exchanged; (d) the face amount of bonds received in exchange; (e) any other terms and conditions of such transactions. Such reports shall continue to be filed until all of said bonds shall have been exchanged in accordance with the authority contained herein, and if during any period no bonds were exchanged the report shall set forth such fact.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall

file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

9. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no bonds shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such bonds be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

10. That the order heretofore entered in this proceeding under date of March 28, 1917, is hereby vacated, canceled, and annulled.

Finally, it is determined and stated that in the opinion of the Commission the bonds herein authorized to be issued are reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 84]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the **TERMINAL RAILWAY OF BUFFALO** under sections 60 and 62 (now sections 89 and 91) of the Railroad Law as to its railway crossing highways in the town of West Seneca, Erie county.

In the matter of the Application of the **TERMINAL RAILWAY OF BUFFALO** for a modification of the determination of the Board of Railroad Commissioners dated April 30, 1907, as to the railway of said company crossing highways in the town of West Seneca, Erie county.

The work covered by the determination of the Board of Railroad Commissioners of April 30, 1907, and modified determination of the Public Service Commission dated November 18, 1909, in the matter above entitled, providing for overgrade crossings on Clinton street and Mineral Springs road over the Gardenville yards, having been entirely completed in accordance with the requirements of said determinations to the satisfaction of the railroad company and this Commission, it is

Ordered: That the completed work be and it is hereby approved.

30 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2923]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the TOWN BOARD OF THE TOWN OF BROOKHAVEN, Suffolk county, for the elimination of a crossing of the Long Island railroad by the South Country Road state highway at Centre Moriches.

Ordered: That an intermediate accounting and settlement of expenses incurred by The Long Island Railroad Company, the Town of Brookhaven, and the State of New York on account of the work now in course of execution under order of this Commission in the above entitled matter be entered into by the interested parties, said accounting to include expenditures to January 1, 1918.

[Case No. 5981]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for the elimination of crossings in the cities of Tonawanda and North Tonawanda.

The City of Tonawanda, by resolution duly passed by its common council on December 28, 1917, and The New York Central Railroad Company have stipulated that the order of the Commission of July 26, 1917, in the matter above entitled, properly should be amended and changed in respect of the requirement that a new street about 360 feet long to connect Fillmore avenue and Young street at a point about 275 feet west of Fremont street, in the city of Tonawanda, shall be 50 feet wide, it being proposed to construct this street to a width of 30 feet only. It appears from the stipulation that the width of 50 feet was due to an error on a map filed with this Commission and referred to in its order of July 26, 1917, on which the width of this proposed new street was shown to be 50 feet instead of 30 feet, 25 feet being the present width of Fremont street, in lieu of which said new street is to be laid out and constructed. The Commission has been informed and believes that no owners of property other than those receiving notice of the original hearings will be affected by the proposed change in width of the new street, and it has accordingly determined to approve the proposal for a modification of its original order in accordance with the terms of the stipulation, and therefore

Orders: That the order herein of July 26, 1917, be changed so that paragraph marked "e," on the fourth page of said order as printed, shall read as follows:

A new street 30 feet wide and about 360 feet long, to connect Fillmore avenue and Young street at a point about 275 feet west of Fremont street, and the existing bridge at Fremont street over Ellicott creek shall be removed to the line of this new street, and Fremont street as it now exists shall be closed.

[Case No. 5981]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for the elimination of crossings in the cities of Tonawanda and North Tonawanda. Supplemental order.

In the order of this Commission duly made and entered in the matter above entitled under date of July 26, 1917, it is among other things recited that the "proposed embankment upon which the re-located Niagara Falls branch is to be operated will intersect and cut off a siding now owned and operated by the Erie Railroad Company and certain industries in the city of Tonawanda. The Erie Railroad Company, while not objecting to the project in general and the proposed changed alignment in particular, objects to the closing and discontinuance of this siding. Several property owners also object on the ground that their track facilities would be destroyed or seriously affected"; in view whereof among other things it was determined in and provided by said order as follows: "This Commission being of opinion that the Erie Railroad Company properly should not be deprived of its present sidetrack facilities in the vicinity of Fillmore avenue in the city of Tonawanda (particularly referred to in the testimony in this case) as a result of the proposed new railroad at the point mentioned, and it appearing impracticable under the proposed general plan to provide for a direct connection of said sidetracks with the Erie railroad as at present, the two railroad corporations mentioned are negotiating an agreement which it is hoped and expected may be effected, whereby the business of the Erie railroad on and over said sidetracks may be preserved to it under arrangement as to switching of its cars to and from the industries served by said sidetracks by the New York Central railroad, which shall be satisfactory to the parties and shall be approved by this Commission; it having been stipulated and agreed with the Commissioner in charge by the two corporations that in case of failure on their part to arrive at a satisfactory agreement in the premises within thirty days after the entry and service of this order the controversy shall be submitted to the Commission for a determination which shall be accepted as final by the parties." And it having appeared that the railroad corporations mentioned have not arrived at the agreement contemplated by the stipulation last above mentioned and apparently that they are not able to reach an understanding in the matter, and the time limit specified in said stipulation as approved by this Commission having expired: all of which has been made certain to the Commissioner in charge at a hearing in the matter held at the offices of this Commission in New York city on the 26th instant; at which R. S. Parsons as vice-president and general manager, and E. D. Minard as attorney, appeared for the Erie Railroad Company; and George W. Kittredge as chief engineer, and George H. Walker as attorney, appeared for The New York Central Railroad Company; and each of said corporations as thus represented agreed that under the circumstances this Commission properly should exercise its authorization and perform its duty of deciding the controversy as contemplated by the aforesaid stipulation, this Commission has made a determination in the premises and in pursuance of which it is hereby

Ordered: That in place and in lieu of the existing siding owned and operated by the Erie Railroad Company and certain industries in the territory bounded by Ellicott creek and Tonawanda creek and the new line of the New York Central railroad in Tonawanda now under construction under the authority of the order of this Commission first above mentioned, and as compensation to the Erie Railroad Company for stopping its access to the territory mentioned by the construction of the new line of the New York Central

railroad, the latter shall, with the same diligence, dispatch, and care as it employs in handling its own cars and in disposing of its own similar traffic, switch all cars of the Erie Railroad Company over such tracks as the New York Central railroad now has or may hereafter have access to between the interchange of the two corporations mentioned near Tonawanda creek and the industries, individuals, yards, or docks now or hereafter located in the territory described, at a charge to the Erie Railroad Company of one dollar less than the current switching rate, establishing joint through rates if necessary to effect the purpose of this present determination and order. And if for any reason other than the arbitrary refusal of the Erie Railroad Company to take advantage of and abide by the privileges and arrangement thus created and determined, The New York Central Railroad Company shall at any time discontinue compliance with this determination and order, and shall neglect and refuse to carry the same into effect and to perform its part thereof, then and in that case the status of the two corporations mentioned existing at the time of the entry of the order herein first above mentioned shall in all respects be reestablished so far as the rights and duties of the said corporations are concerned: either one of whom thereupon may apply to this Commission for relief on the basis of such *status quo ante*.

An acceptance of the terms of this order by both companies shall be deemed and constitute a contract in the premises binding upon said corporations respectively, their respective successors and assigns.

[Case No. 6007]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY and SALMON RIVER POWER COMPANY under section 69 of the Public Service Commissions Law as to the Niagara company issuing \$1,482,128 in notes or debentures, and as to the Salmon River Company issuing \$546,000 in refunding notes; under section 70, Public Service Commissions Law, as to Niagara company acquiring capital stock, said refunding notes, and other notes of Salmon River Company.

Supplemental
order.

Petition filed April 25, 1917; first amendatory petition filed October 13, 1917; report of division of capitalization dated October 17, 1917; order entered October 23, 1917; second amendatory petition filed January 15, 1918; report of division of capitalization dated January 23, 1918; hearing held January 24, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Niagara, Lockport and Ontario Power Company, after it has merged the Salmon River Power Company, be and it is hereby authorized to execute and deliver to The Equitable Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, to be dated the 31st day of January, 1918, to secure an issue of refunding mortgage sinking fund gold bonds to the aggregate amount of \$15,000,000, which bonds are issuable in series, to bear interest at a rate not exceeding 6 per cent per annum, and to mature not later than February 1, 1958, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved.

2. That upon the execution and the delivery of said indenture so authorized, which shall not be more than fifteen days from the date hereof, there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

3. That the Niagara, Lockport and Ontario Power Company be and it is hereby authorized to issue \$1,980,000 face value of bonds to be secured by the mortgage hereinbefore referred to, which bonds shall be designated as Series A and shall bear interest at the rate of 6 per cent per annum.

4. That said bonds of the total face value of \$1,980,000 may be sold for not less than 90 per cent of their face value to realize net proceeds of at least \$1,782,000.

5. That the proceeds of said bonds so authorized, which shall be not less than \$1,782,000, shall be used solely and exclusively for the following purposes:

a. To pay off and discharge 3-year 6% gold notes of the Salmon River Power Company which mature on February 1, 1918.....	\$546,000.00
b. To be applied toward the cost of extensions, additions, and improvements to the steam generating plant of the petitioner at Lyons, N. Y., as detailed in exhibit A attached to the petition in case No. 6196 filed on September 12, 1917.....	\$761,105.60
Less amount provided for by order in that proceeding dated September 18, 1917.....	364,000.00
	397,105.60
c. To be applied toward the payment of the petitioner's debt and the debt of the merged corporation outstanding at December 31, 1916, and [or] to the reimbursements of its treasury for expenditures from income for the acquisition of fixed assets since April 30, 1912, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....	838,894.40
	<u>\$1,782,000.00</u>

in so far as the same may be applicable, provided (1) that the proceeds of such bonds shall be applied toward the cost of new construction summarized in subdivision (b) hereof only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined by the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that the unit prices contained in exhibit A of the petition in case No. 6196 referred to in subdivision (b) hereof are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

6. That the Niagara, Lockport and Ontario Power Company is hereby authorized to execute and deliver a trust agreement, to be dated the 31st day of January, 1918, with the Erie Construction Company, and The Equitable Trust Company of New York as trustee, to secure an issue of two-year secured 6 per cent convertible gold notes, a copy of which agreement has been filed with the Commission herein, and that the form thereof so filed is hereby approved.

7. That upon the execution and the delivery of said agreement so authorized, which shall not be more than fifteen days from the date hereof, there shall be filed with this Commission a copy hereof in the form in which it was executed and delivered, together with an affidavit by the president or

other executive officer of the company stating that the agreement as executed and delivered is the same as that herein approved by the Commission.

8. That the Niagara, Lockport and Ontario Power Company is hereby authorized to issue \$1,300,000 face value of its two-year 6 per cent secured convertible gold notes under the aforesaid agreement.

9. That said notes of a total face value of \$1,300,000 may be sold for not less than 92½ per cent of their face value to realize net proceeds of at least \$1,202,500, which proceeds shall be applied to the purposes for which the proceeds of the bonds herein authorized are to be used.

10. That the Niagara, Lockport and Ontario Power Company is hereby permitted to pledge the bonds of the aggregate face value of \$1,980,000 herein authorized to be issued as collateral security for the aforesaid two-year 6 per cent secured convertible gold notes.

11. That the Niagara, Lockport and Ontario Power Company is hereby authorized to use such an amount of the \$1,980,000 of bonds herein authorized to be issued at 90 per cent of their face value as may be necessary to effect the conversion into such bonds at the price aforesaid of the \$1,300,000 face amount of notes herein authorized to be issued, in accordance with the provisions of article 6 of the trust agreement herein approved as to form, provided that the face amount of bonds which may be so used shall not be greater than \$1,445,000.

12. That the Niagara, Lockport and Ontario Power Company shall within thirty days from the date hereof, and thereafter for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) the dates of sales, pledgings, and conversions of the securities herein authorized; (b) to or with whom such transactions were had; (c) the amount and character of the proceeds realized from such transactions; (d) any other terms and conditions of such transactions; (e) with respect to subdivision (a) and (c) of clause No. 5 of this order there shall be shown in detail the amount of security proceeds used therefor; (f) with respect to subdivision (b) of clause No. 5 of this order there shall be shown (1) in detail the amount expended of the proceeds of the bonds herein authorized, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of the purposes set forth in said exhibit A during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period. Such reports shall continue to be filed until all of said securities shall have been disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no securities were disposed of or proceeds used the report shall set forth such fact.

13. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the petitioner herein shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary shall have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission.

14. That the authority contained in this order to issue and pledge securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except as to the amount of \$838,894.40. As to this amount, the record in this case shows that the company claims that it is entitled to reimburse its treasury for expenditures made out of income, and for obligations incurred in acquiring fixed assets and in making extensions, additions, and improvements to its property. The Commission has been unable to make the necessary examination of the books of the corporation to ascertain the facts in this regard, and for this reason has felt it proper and necessary to state that the amount of proceeds of bonds last mentioned is reasonably chargeable to operating expenses or to income. When the necessary examination shall have been completed and the necessary entries on the books of the corporation as required by the Commission shall have been made, the petitioner may apply for a modification of this order in respect of the amount of proceeds of said bonds which finally may be determined by this Commission as reasonably and properly chargeable to operating expenses or to income.

[Case No. 6169]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 29th day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint under sections 71 and
72 of the Public Service Commissions Law of the
TRUSTEES OF THE VILLAGE OF FORT EDWARD *against*
UNITED GAS, ELECTRIC LIGHT AND FUEL COMPANY OF
SANDY HILL AND FORT EDWARD as to price of gas.

By order dated December 27, 1917, this Commission dismissed the complaint in the above entitled proceeding and set forth the reasons therefor in an Opinion which was handed down upon the same day. The complainants have petitioned for a rehearing upon the ground that the Commission erred in its decision with respect to the obligations of the respondent under the provisions of the franchise in relation to the price to be charged by it for gas. This question is one of law and not of fact, and was considered at length in the Opinion above referred to, and for that reason there would seem to be no necessity for a rehearing in this matter. In addition to this, the parties have stipulated that the Commission may enter an order disposing of the application for a rehearing without further proceedings on the part of the petitioners. It is therefore

Ordered: That the petition of the Trustees of the Village of Fort Edward for a rehearing in the above entitled matter be and the same hereby is denied.

[Case No. 6171]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint under sections 71 and 72 of the Public Service Commissions Law of the TRUSTEES OF THE VILLAGE OF HUDSON FALLS against UNITED GAS, ELECTRIC LIGHT AND FUEL COMPANY OF SANDY HILL AND FORT EDWARD as to price of gas.

By order dated December 27, 1917, this Commission dismissed the complaint in the above entitled proceeding, and set forth the reasons therefor in an Opinion which was handed down upon the same day. The complainants have petitioned for a rehearing upon the ground that the Commission erred in its decision with respect to the obligations of the respondent under the provisions of the franchise in relation to the price to be charged by it for gas. This question is one of law and not of fact, and was considered at length in the Opinion above referred to, and for that reason there would seem to be no necessity for a rehearing in this matter. In addition to this, the parties have stipulated that the Commission may enter an order disposing of the application for a rehearing without further proceedings on the part of the petitioners. It is therefore

Ordered: That the petition of the Trustees of the Village of Hudson Falls for a rehearing in the above entitled matter be and the same hereby is denied.

[Case No. 6256]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint under sections 71 and 72 of the Public Service Commissions Law of the TRUSTEES OF THE VILLAGE OF SOUTH GLENS FALLS against UNITED GAS, ELECTRIC LIGHT AND FUEL COMPANY OF SANDY HILL AND FORT EDWARD as to price of gas.

By order dated December 27, 1917, this Commission dismissed the complaint in the above entitled proceedings, and set forth the reasons therefor in an Opinion which was handed down upon the same day. The complainants have petitioned for a rehearing upon the ground that the Commission erred in its decision with respect to the obligations of the respondent under the provisions of the franchise in relation to the price to be charged by it for gas. This question is one of law and not of fact, and was considered at length in the Opinion above referred to, and for that reason there would seem to be no necessity for a rehearing in this matter. In addition to this, the parties have stipulated that the Commission may enter an order disposing of the application for a rehearing without further proceedings on the part of the petitioners. It is therefore

Ordered: That the petition of the Trustees of the Village of South Glens Falls for a rehearing in the above entitled matter be and same hereby is denied.

[Case No. 6275]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 29th day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the NIAGARA, LOCKPORT
AND ONTARIO POWER COMPANY under subdivision 3,
section 61, Transportation Corporations Law, and
section 70, Public Service Commissions Law, for con-
sent to merge Salmon River Power Company.

Petition filed November 22, 1917; report of division of capitalization dated January 9, 1918. It appearing from the record in this case that the Niagara, Lockport and Ontario Power Company is the owner and holder of all of the issued and outstanding capital stock of the Salmon River Power Company, and that it has acquired said stock from time to time pursuant to authority granted by this Commission; and that the said Niagara, Lockport and Ontario Power Company is the guarantor of a substantial amount of obligations which have been issued by the Salmon River Power Company and which are now outstanding, and that the said Niagara, Lockport and Ontario Power Company is now desirous of merging the said Salmon River Power Company pursuant to the provisions of the statutes with reference thereto, it is

Ordered as follows: 1. That the Niagara, Lockport and Ontario Power Company be and it hereby is permitted to merge the Salmon River Power Company.

2. When such merger is effected the assets and liabilities shall be taken over on the books of the Niagara, Lockport and Ontario Power Company at the amounts shown therefor as of December 31, 1916, modified only by the legitimate corporate transactions of said Salmon River Power Company between that date and the actual date of said merger.

3. That the permission and approval of this Commission be and the same hereby is given to the Niagara, Lockport and Ontario Power Company to exercise all the rights, privileges, and franchises now held and enjoyed by the Salmon River Power Company.

4. That when said merger is completed, each and every certificate representing the shares of stock issued and outstanding and now owned by the Niagara, Lockport and Ontario Power Company shall be canceled and stamped with a legend showing that said Salmon River Power Company has been merged into the Niagara, Lockport and Ontario Power Company, and all of its property, rights, privileges, and franchises of every name and description have been transferred and taken over by the Niagara, Lockport and Ontario Power Company.

5. That the Niagara, Lockport and Ontario Power Company shall notify the Commission in writing promptly after such merger has been completed and the legend has been placed upon the stock certificates as hereinbefore provided, and shall set forth in such communication the form of such legend or inscription.

6. That the Niagara, Lockport and Ontario Power Company shall, within a reasonable time after the consummation of the merger approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the merger hereby approved.

36 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6171]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint under sections 71 and 72 of the Public Service Commissions Law of the TRUSTEES OF THE VILLAGE OF HUDSON FALLS *against* UNITED GAS, ELECTRIC LIGHT AND FUEL COMPANY OF SANDY HILL AND FORT EDWARD as to price of gas.

By order dated December 27, 1917, this Commission dismissed the complaint in the above entitled proceeding, and set forth the reasons therefor in an Opinion which was handed down upon the same day. The complainants have petitioned for a rehearing upon the ground that the Commission erred in its decision with respect to the obligations of the respondent under the provisions of the franchise in relation to the price to be charged by it for gas. This question is one of law and not of fact, and was considered at length in the Opinion above referred to, and for that reason there would seem to be no necessity for a rehearing in this matter. In addition to this, the parties have stipulated that the Commission may enter an order disposing of the application for a rehearing without further proceedings on the part of the petitioners. It is therefore

Ordered: That the petition of the Trustees of the Village of Hudson Falls for a rehearing in the above entitled matter be and the same hereby is denied.

[Case No. 6256]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint under sections 71 and 72 of the Public Service Commissions Law of the TRUSTEES OF THE VILLAGE OF SOUTH GLENS FALLS *against* UNITED GAS, ELECTRIC LIGHT AND FUEL COMPANY OF SANDY HILL AND FORT EDWARD as to price of gas.

By order dated December 27, 1917, this Commission dismissed the complaint in the above entitled proceedings, and set forth the reasons therefor in an Opinion which was handed down upon the same day. The complainants have petitioned for a rehearing upon the ground that the Commission erred in its decision with respect to the obligations of the respondent under the provisions of the franchise in relation to the price to be charged by it for gas. This question is one of law and not of fact, and was considered at length in the Opinion above referred to, and for that reason there would seem to be no necessity for a rehearing in this matter. In addition to this, the parties have stipulated that the Commission may enter an order disposing of the application for a rehearing without further proceedings on the part of the petitioners. It is therefore

Ordered: That the petition of the Trustees of the Village of South Glens Falls for a rehearing in the above entitled matter be and same hereby is denied.

[Case No. 6275]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of January, 1918.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY under subdivision 3, section 61, Transportation Corporations Law, and section 70, Public Service Commissions Law, for consent to merge Salmon River Power Company.

Petition filed November 22, 1917; report of division of capitalization dated January 9, 1918. It appearing from the record in this case that the Niagara, Lockport and Ontario Power Company is the owner and holder of all of the issued and outstanding capital stock of the Salmon River Power Company, and that it has acquired said stock from time to time pursuant to authority granted by this Commission; and that the said Niagara, Lockport and Ontario Power Company is the guarantor of a substantial amount of obligations which have been issued by the Salmon River Power Company and which are now outstanding, and that the said Niagara, Lockport and Ontario Power Company is now desirous of merging the said Salmon River Power Company pursuant to the provisions of the statutes with reference thereto, it is

Ordered as follows: 1. That the Niagara, Lockport and Ontario Power Company be and it hereby is permitted to merge the Salmon River Power Company.

2. When such merger is effected the assets and liabilities shall be taken over on the books of the Niagara, Lockport and Ontario Power Company at the amounts shown therefor as of December 31, 1916, modified only by the legitimate corporate transactions of said Salmon River Power Company between that date and the actual date of said merger.

3. That the permission and approval of this Commission be and the same hereby is given to the Niagara, Lockport and Ontario Power Company to exercise all the rights, privileges, and franchises now held and enjoyed by the Salmon River Power Company.

4. That when said merger is completed, each and every certificate representing the shares of stock issued and outstanding and now owned by the Niagara, Lockport and Ontario Power Company shall be canceled and stamped with a legend showing that said Salmon River Power Company has been merged into the Niagara, Lockport and Ontario Power Company, and all of its property, rights, privileges, and franchises of every name and description have been transferred and taken over by the Niagara, Lockport and Ontario Power Company.

5. That the Niagara, Lockport and Ontario Power Company shall notify the Commission in writing promptly after such merger has been completed and the legend has been placed upon the stock certificates as hereinbefore provided, and shall set forth in such communication the form of such legend or inscription.

6. That the Niagara, Lockport and Ontario Power Company shall, within a reasonable time after the consummation of the merger approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the merger hereby approved.

7. That the authority contained in this order is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and within thirty days of the service hereof the said companies shall file with the Commission satisfactory, verified stipulations over the signatures of their presidents and secretaries accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as last above provided.

8. Neither the financial condition of the Niagara, Lockport and Ontario Power Company nor its balance sheet has been passed upon or determined by this Commission; and it is expressly provided and understood that this order is not intended and shall not be construed either as approving or certifying the correctness of said balance sheet, or as approving or certifying the correctness of any balance sheet which may be claimed by the corporation after the merger or as a result thereof.

[Case No. 6338]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the extension of the transmission lines of the Board of Lighting Commissioners of the City of Jamestown into the village of Falconer without any franchise granted by the village and without the permission of the Commission.

It appearing to the satisfaction of the Commission that the Board of Lighting Commissioners of the City of Jamestown has begun construction of an electric plant and is now constructing an electric plant in the village of Falconer without first having obtained a franchise or consent therefor from the Village of Falconer, and without first having applied for or obtained the permission and approval of the Public Service Commission, Second District; it is

Ordered: That the Board of Lighting Commissioners of the City of Jamestown show cause before this Commission, at its office in the city of Albany, on Wednesday, February 13, 1918, at 10 o'clock in the forenoon, why it should not cease the construction of such electric plant or any part thereof, or doing any business as an electrical corporation or municipality within the territorial limits of the Village of Falconer.

[Case No. 3485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ITHACA GAS LIGHT
COMPANY and ITHACA ELECTRIC LIGHT AND POWER
COMPANY for permission to consolidate and thereafter
execute a mortgage and issue stocks and bonds.

For the reasons given in Opinion of the Commission of this date in this
matter, it is

Ordered: That the joint petition dated July 9, 1917, of Ithaca Gas and
Electric Corporation and Associated Gas and Electric Company, in this
matter, be and it is hereby denied.

[Case No. 4335]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the LOCKPORT LIGHT,
HEAT AND POWER COMPANY for permission to revise
its rates for electric lighting and power service.

For the reasons set forth in the accompanying Opinion, it is

Ordered: That the applications of the City of Lockport, the Board of
Commerce of the City of Lockport, the Manufacturers Association of the
City of Lockport, and the Electric Consumers Protective Association of the
City of Lockport, for a modification and revision of the order made by this
Commission on October 5, 1915, fixing a schedule of rates for electricity in
the city of Lockport, be and the same hereby are denied.

40 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4340]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the JAMESTOWN, WESTFIELD AND NORTHWESTERN RAILROAD COMPANY for consent to change of motive power from steam to electricity; authority to issue \$100,000 common capital stock; and for approval of a certain lease to the Erie Railroad Company. Also petition of said company as to issuing a mortgage and mortgage bonds.

Supplemental
order.

Petition filed May 29, 1914; hearing held June 29, 1914; order entered July 8, 1914; inventory of physical property of petitioner filed April 12, 1915; report of division of capitalization dated April 20, 1915; report of division of transportation dated September 10, 1915; amendatory order entered December 28, 1915; supplemental petition filed March 14, 1917; report of division of capitalization dated July 19, 1917; final report of division of capitalization dated December 28, 1917; report of division of steam railroads dated January 26, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated December 28, 1917, a copy of which shall be served upon the corporation, such entries being listed on pages 14 and 15 thereof, shall be entered upon the books of the Jamestown, Westfield and Northwestern Railroad Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Jamestown, Westfield and Northwestern Railroad Company is hereby authorized to execute and deliver to the Bankers Trust Company of Buffalo as trustees, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated January 1, 1917, to secure an issue of first mortgage 30-year gold bonds to the aggregate amount of \$5,000,000, bearing interest at the rate of 5 per cent per annum, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

4. That the Jamestown, Westfield and Northwestern Railroad Company is hereby authorized to issue \$1,000,000 face value of its 5 per cent 30-year first mortgage gold bonds under the aforesaid mortgage.

5. That the Jamestown, Westfield and Northwestern Railroad Company is hereby authorized to issue \$300,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least that amount.

6. That said bonds of the total face value of \$1,000,000 may be sold for not less than 85 per cent of their face value to realize net proceeds of at least \$850,000.

7. That the proceeds of said bonds and stock herein authorized to be issued, which shall be not less than \$1,150,000, shall be used solely and exclusively for the following purposes:

a. To pay off the following floating liabilities outstanding at December 31, 1916:	
1. Bills payable to various banks.....	\$30,691.27
2. Accounts payable:	
Wm. Broadhead & Sons.....	\$1,038,038.88
Chautauqua Lake Navigation Company.....	11,971.25
Jamestown Street Ry. Co.....	6,747.55
Chautauqua Traction Co.....	8,659.50
Miscellaneous.....	29,664.60
	<hr/>
	1,095,081.76
3. Interest on unfunded debt.....	282.65
4. Accrued taxes.....	6,479.25
5. Other unfunded debt.....	409.72
	<hr/>
	\$1,132,944.65
b. To reimburse the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from November 6, 1913, to December 31, 1916, inclusive, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation.....	
	17,055.35
	<hr/>
	\$1,150,000.00

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Jamestown, Westfield and Northwestern Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Jamestown, Westfield and Northwestern Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what securities have been sold or disposed of during such period; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause No. 7 of this order there shall be shown in detail the amount expended during such period of the proceeds of the securities herein authorized; (g) with respect to subdivision (b) of clause No. 7 of this order there shall be shown the amount used of the proceeds of the securities herein authorized. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds used the report shall set forth such fact.

10. That the Jamestown, Westfield and Northwestern Railroad Company shall immediately proceed with the preparation of a detailed verified report which shall allocate the amount of its fixed capital as of December 31, 1916, viz. \$1,260,219.44, by property and by fixed capital accounts, which report shall be filed with this Commission not later than June 30, 1918, provided that the results of this allocation shall be presented to and shall be specifically approved by this Commission before same are spread upon the books of the company.

11. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

12. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have

40 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4340]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the JAMESTOWN, WESTFIELD AND NORTHWESTERN RAILROAD COMPANY for consent to change of motive power from steam to electricity; authority to issue \$100,000 common capital stock; and for approval of a certain lease to the Erie Railroad Company. Also petition of said company as to issuing a mortgage and mortgage bonds.

Supplemental
order.

Petition filed May 29, 1914; hearing held June 29, 1914; order entered July 8, 1914; inventory of physical property of petitioner filed April 12, 1915; report of division of capitalization dated April 20, 1915; report of division of transportation dated September 10, 1915; amendatory order entered December 28, 1915; supplemental petition filed March 14, 1917; report of division of capitalization dated July 19, 1917; final report of division of capitalization dated December 28, 1917; report of division of steam railroads dated January 26, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated December 28, 1917, a copy of which shall be served upon the corporation, such entries being listed on pages 14 and 15 thereof, shall be entered upon the books of the Jamestown, Westfield and Northwestern Railroad Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Jamestown, Westfield and Northwestern Railroad Company is hereby authorized to execute and deliver to the Bankers Trust Company of Buffalo as trustees, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated January 1, 1917, to secure an issue of first mortgage 30-year gold bonds to the aggregate amount of \$5,000,000, bearing interest at the rate of 5 per cent per annum, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

4. That the Jamestown, Westfield and Northwestern Railroad Company is hereby authorized to issue \$1,000,000 face value of its 5 per cent 30-year first mortgage gold bonds under the aforesaid mortgage.

5. That the Jamestown, Westfield and Northwestern Railroad Company is hereby authorized to issue \$300,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least that amount.

6. That said bonds of the total face value of \$1,000,000 may be sold for not less than 85 per cent of their face value to realize net proceeds of at least \$850,000.

7. That the proceeds of said bonds and stock herein authorized to be issued, which shall be not less than \$1,150,000, shall be used solely and exclusively for the following purposes:

a. To pay off the following floating liabilities outstanding at December 31, 1916:	
1. Bills payable to various banks.....	\$30,691.27
2. Accounts payable:	
Wm. Broadhead & Sons.....	\$1,038,038.86
Chautauqua Lake Navigation Company.....	11,971.25
Jamestown Street Ry. Co.....	6,747.55
Chautauqua Traction Co.....	8,659.50
Miscellaneous.....	29,664.60
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3. Interest on unfunded debt.....	1,095,081.76
4. Accrued taxes.....	282.65
5. Other unfunded debt.....	6,479.25
	<hr/>
	409.72
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	\$1,132,944.65
b. To reimburse the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from November 6, 1913, to December 31, 1916, inclusive, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation.....	
	17,055.35
	<hr/>
	\$1,150,000.00

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Jamestown, Westfield and Northwestern Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Jamestown, Westfield and Northwestern Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what securities have been sold or disposed of during such period; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause No. 7 of this order there shall be shown in detail the amount expended during such period of the proceeds of the securities herein authorized; (g) with respect to subdivision (b) of clause No. 7 of this order there shall be shown the amount used of the proceeds of the securities herein authorized. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds used the report shall set forth such fact.

10. That the Jamestown, Westfield and Northwestern Railroad Company shall immediately proceed with the preparation of a detailed verified report which shall allocate the amount of its fixed capital as of December 31, 1916, viz. \$1,260,219.44, by property and by fixed capital accounts, which report shall be filed with this Commission not later than June 30, 1918, provided that the results of this allocation shall be presented to and shall be specifically approved by this Commission before same are spread upon the books of the company.

11. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

12. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have

been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5782]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ITHACA GAS AND ELECTRIC CORPORATION under section 69 of the Public Service Commissions Law for authority to issue \$576,200 common capital stock.

For the reasons given in Opinion of the Commission of this date in this matter, it is

Ordered: That the joint petition dated July 5, 1917, of the Ithaca Gas and Electric Corporation and Associated Gas and Electric Company, in this matter, be and it is hereby denied.

[Case No. 5783]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the ITHACA GAS AND ELECTRIC CORPORATION and HOMER AND CORTLAND GAS LIGHT COMPANY under subdivision 3, section 61, Transportation Corporations Law, and section 70, Public Service Commissions Law, that the first named company may merge with itself the second named company under section 15, Stock Corporation Law.

For the reasons given in Opinion of the Commission of this date in this matter, it is

Ordered: That this petition be and it is hereby denied.

[Case No. 5784]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the ITHACA GAS
AND ELECTRIC CORPORATION and NORWICH GAS AND
ELECTRIC COMPANY under subdivision 3, section 61,
Transportation Corporations Law, and section 70,
Public Service Commissions Law, that the first named
company may merge with itself the second named
company under section 15, Stock Corporation Law.

For the reasons given in Opinion of the Commission of this date in this
matter, it is

Ordered: That this petition be and it is hereby denied.

[Case No. 5785]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the ITHACA GAS
AND ELECTRIC CORPORATION and ONEONTA LIGHT AND
POWER COMPANY under subdivision 3, section 61,
Transportation Corporations Law, and section 70,
Public Service Commissions Law, that the first named
company may merge with itself the second named
company under section 15, Stock Corporation Law.

For the reasons given in Opinion of the Commission of this date in this
matter, it is

Ordered: That this petition be and it is hereby denied.

44 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5980]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of EARLVILLE ELECTRIC
LIGHT COMPANY under section 68, Public Service Com-
missions Law, for permission to construct an electric
plant and exercise a franchise in the town of Lebanon,
Madison county; and under section 69, Public Service
Commissions Law, for authority to issue a mortgage
for \$10,000 and to issue now \$8325 in 6 per cent bonds
to be secured by said mortgage.

Supplemental
order.

Petition filed April 12, 1917; report of division of light, heat, and power
dated May 4, 1917; report of division of capitalization dated May 7, 1917;
order entered May 15, 1917; first supplemental petition (letter) filed October
3, 1917; amendatory order entered October 4, 1917; second supplemental
petition filed January 24, 1918; report of division of light, heat, and power
dated January 29, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Earlville Electric Light Company is
hereby authorized to issue \$1000 face value of its 6 per cent ten-year first
mortgage gold bonds under a certain indenture, deed of trust, or mortgage
dated June 5, 1917, given to Adon N. Smith as trustee, to secure an author-
ized issue of bonds of a total face value of \$10,000.

2. That said bonds of the total face value of \$1000 may be sold for not
less than 90 per cent of their face value to realize net proceeds of at least
\$900.

3. That the proceeds of said bonds so authorized, which shall be not less
than \$900, shall be used solely and exclusively for the purchase and installa-
tion of transformers, wire, meters, switches, etc., to connect 80-hp. motor at
Barnett-Conklin feed store, Earlville, N. Y., as set forth in the supplemental
petition filed herein on January 24, 1918, \$900.

4. That none of the said bonds herein authorized shall be hypothecated or
pledged as collateral security by the Earlville Electric Light Company unless
any such pledge or hypothecation shall have been expressly approved and
authorized by this Commission.

5. That the Earlville Electric Light Company shall for each six months'
period ending June 30th and December 31st file, not more than thirty days
from the end of such period, a verified report which shall show (a) what
bonds have been sold or otherwise disposed of during such period; (b) the
date of such sale or disposition; (c) to whom such bonds were sold;
(d) what proceeds were realized from such sale; (e) any other terms and con-
ditions of such sale; (f) in detail the amount expended during such period
of the proceeds of the bonds herein authorized for the purposes specified
herein and the account or accounts under the Uniform System of Accounts
for Electrical Corporations to which such expenditures have been charged,
giving all details of any credits to fixed capital in connection with such
expenditures. Such reports shall continue to be filed until all of said bonds
shall have been sold or disposed of and the proceeds expended in accordance
with the authority contained herein, and if during any period no bonds were
sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the authority contained in this order to issue bonds is upon the
express condition that the petitioner accepts and agrees to comply in good
faith with the provisions hereof; and before any bonds are issued pursuant

hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6099]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of WAVERLY, SAYRE AND ATHENS TRACTION COMPANY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

Upon the facts found and for the reasons stated in the accompanying Opinion, it is

Ordered: That the Waverly, Sayre and Athens Traction Company be and it is hereby authorized to increase its rate of fare within the limits of the village of Waverly from five to six cents, upon statutory notice to the public and the Commission. The tariff effecting such increases to be filed in accordance with the provisions of section 28 of the Public Service Commissions Law, and to bear the following notation: "Issued under order of the Public Service Commission, Second District, State of New York, of date January 31, 1918, in case No. 6099." This determination and order may be reopened at any time if and when it may appear to the Commission that the controlling reasons for allowing an increase of fares in excess of those which otherwise would legally obtain no longer exist.

[Case No. 6203]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of LOUISE E. WILSON under section 70, Public Service Commissions Law, for consent *nunc pro tunc* July 9, 1917, to the transfer to her of the franchise, works, and system of what is called Port Leyden Electric Light and Power Company.

A petition under section 70, Public Service Commissions Law, having been filed with this Commission by Louise E. Wilson for consent *nunc pro tunc*

July 9, 1917, to the transfer to her of the franchises, works, and system of an electric plant called Port Leyden Electric Light and Power Company, which is constructed and in operation in the village of Port Leyden and a part of the town of Leyden, Lewis county; and it appearing that this plant on said date was conveyed to said Louise E. Wilson by her husband, Homer E. Wilson, and that she is now operating it and is the sole owner; and this Commission having on this date approved *nunc pro tunc* the construction and operation of said plant [case No. 6204]; and this Commission being familiar with the plant in question, and there appearing no reason why it should not consent to said transfer, it is

Ordered: That this Commission under section 70, Public Service Commissions Law, hereby consents to the transfer *nunc pro tunc* July 9, 1917, from Homer E. Wilson to Louise E. Wilson of the franchises, works, and system of what is called Port Leyden Electric Light and Power Company, which is constructed and in operation in the village of Port Leyden and a part of the town of Leyden, Lewis county.

[Case No. 6204]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of LOUISE E. WILSON, doing business under the name Port Leyden Electric Light and Power Company, under section 68, Public Service Commissions Law, for permission *nunc pro tunc* June 2, 1914, to construct in the incorporated village of Port Leyden, Lewis county, an electric plant; and for approval of a franchise therefor received from said village. Also petition from Louise E. Wilson for permission to construct *nunc pro tunc*, and to exercise a new franchise from the town board of the Town of Leyden.

Petitions under section 68, Public Service Commissions Law, having been filed with this Commission by Louise E. Wilson, for permission to construct in the incorporated village of Port Leyden and in a part of the town of Leyden, Lewis county, an electric plant for transmitting and furnishing to the public electricity for light, heat, or power, and for approval of the exercise of rights and privileges under franchises therefor received by said company from said village and town; and public notices of the pendency of said petitions having been published in local newspapers giving notice to those who might be opposed to the granting of said petitions that they might file a statement of reasons with this Commission; and no one having notified the Commission in regard to the petitions; and it appearing that the electric plant in question has been constructed and operated in said village and in a portion of Mechanic street, so called, in said town, for a considerable number of years, without the permission of this Commission as required by section 68, Public Service Commissions Law: these petitions being filed because the Commission has been asked to consent to the transfer of this system from Homer E. Wilson to Louise E. Wilson; and this Commission being familiar with this plant; and there seeming to be no necessity for a hearing, in view of the circumstances as above stated; and this Commission hereby determining from the papers that the construction done, and such construction under the franchises as may be done in future, are necessary and convenient for the public service, it is

Ordered: 1. That this Commission, under section 68, Public Service Commissions Law, hereby permits and approves construction by Louise E. Wilson in the incorporated village of Port Leyden, Lewis county, and in a part of the town of Leyden, Lewis county, hereinafter named, of an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by said Louise E. Wilson of rights and privileges under a franchise to use all of the highways and public places of said village of Port Leyden therefor, granted June 2, 1914, by the president and trustees of said village to Homer E. Wilson, and assigned by him to said Louise E. Wilson; and under a franchise granted to said Louise E. Wilson, December 28, 1917, by the town board of the Town of Leyden, Lewis county, which franchise covers construction only "in, over, or under the street or public highway leading from Port Leyden to Lyons Falls, N. Y., known in Port Leyden as Mechanic street, from the north line of the village to a point thereon due west from the northwest corner of Charles Lyman's lot, with necessary connections to buildings from said line": certified copies of which franchises are filed with this Commission with the papers in this case.

2. This Commission does not now pass upon the question of whether or not a provision in the said franchise from the Village of Port Leyden that the village shall be furnished with certain free lights is in conflict with the provisions of the Public Service Commissions Law.

3. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 6262]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of PATRONS OF TRAIN
No. 1037 (passenger, West Shore Railroad) *against*
THE NEW YORK CENTRAL RAILROAD COMPANY, lessee
West Shore Railroad, as to proposed withdrawal of
said train.

In this matter the company answered that train No. 1037 (passenger) had been withdrawn, as other trains furnished proper accommodation, and in an effort to release train crews for more important trains and to reduce coal consumption. A hearing in the matter was held by Commissioner Barhite in Albany on December 26th, but no one appeared to represent complainants. Upon inquiry, representative of complainants asked further in respect to a hearing, and was informed under date of January 7th that another date would be set upon request, and that if a hearing was not desired the case would be closed; nothing further was heard from complainants. The Commission is familiar with the train service at the stations in question (St. Johnsville, Mindenville, Fort Plain, South St. Johnsville, and South Fort Plain), and in the absence of greater interest in this complaint by those complaining, does not believe it should proceed further in this matter. Two residents of Greenway, a station west of Rome, and one resident of Rome who wishes to reach Greenway, complain of the discontinuance of this train No. 1037 west of Rome; the Commission, however, does not believe that sufficient

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reason for furnishing such service exists under present conditions. It is therefore

Ordered: That case No. 6262 and C.C. A4968 are hereby closed on the records of the Commission.

[Case No. 6294]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of January, 1918.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for permission to withdraw trains Nos. 803 and 804 (passenger) on the Cape Vincent branch.

Appearances: Purcell, Cullen and Purcell for petitioners; Joseph W. Cornaire for residents in opposition. The New York Central Railroad Company having filed a petition asking this Commission to consent to the discontinuance of two trains on its Cape Vincent branch, as follows: No. 803, leaving Cape Vincent at 11:50 a. m. and arriving in Watertown at 1:05 p. m.; No. 804, leaving Watertown at 12:45 p. m. and arriving in Cape Vincent at 1:45 p. m.; and a public hearing having been held by Commissioner Barhite in the city of Albany on January 16, 1918, at which those named above appeared; and the Commission being satisfied from the statements at said hearing and from its investigation of the train service on this branch in case No. 6227, where residents on the Cape Vincent branch complained in October last of change in passenger trains which had been operated since December, 1911, under an order of this Commission (case No. 2527), that public interest requires that said trains Nos. 803 and 804 be continued, it is

Ordered: That this petition is hereby dismissed.

However, it having appeared at the hearing on the 16th inst. that two trains operating in opposite directions on this branch on Sundays, namely Nos. 1062 and 805, may without serious detriment to public interest be discontinued, it is

Ordered: That the Commission hereby consents that trains Nos. 1062 and 805 on the Cape Vincent branch of this company's railroad, the first leaving Watertown at 9:30 a. m. and the other leaving Cape Vincent at 4 p. m., on Sundays, may be discontinued until the further order of this Commission.

Special Permission Tariffs, January, 1918.

No. 6905; January 2, 1918; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated December 31, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a tariff schedule superseding its tariff of rules governing diversions in transit and reconsignments of coal and coke, in carloads, A. A., P. S. C., 2 N. Y., No. 110, reissuing the rates and regulations therein without change except to eliminate the "Exceptions on Bituminous Coal" shown on page 3 of said tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required, and is given in order that uniform charges and regulations may apply as to intrastate and interstate traffic, the Interstate Commerce Commission having, by special permission No. 44723, dated December 28, 1917, authorized similar action as to interstate traffic.

Completed by A. A. P. S. C. No. 119, effective January 7, 1918.

No. 6906; January 3, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 3, 1918, The New York Central Railroad Company be and is hereby authorized to file, effective January 4, 1918, without notice to the public and the Commission, a tariff schedule as superseding its tariff P. S. C., 2 N. Y., N. Y. C. No. C-28, Discharging and Weighing Charges on Anthracite Coal at Port Morris, N. Y., and reissue said tariff without change except to make the same charges and regulations applicable on Bituminous Coal. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. C-39, effective January 4, 1918.

No. 6907; January 4, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 2, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, an amendment to its schedule of Exceptions to Official Classification, P. S. C., 2 N. Y., N. Y. C. No. 2648, establishing therein regulations providing for the acceptance of shipments of High Explosives, as described in Official Classification, P. S. C., 2 N. Y., O. C. No. 44 (filed by R. N. Collyer, agent), and governed by conditions contained in said Exceptions to Official Classification, for transportation over its lines when in less carload quantities at double first-class rate, with minimum charge of \$1, and when in carload quantities of 20,000 pounds or more, at first-class rates, in either direction between stations on its Dolgeville branch, as shown in its tariff P. S. C., 2 N. Y., N. Y. C. No. 3309; also in either direction between such stations and other stations on its lines shown in its tariff P. S. C., 2 N. Y., N. Y. C. No. 457. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 28 to P. S. C. N. Y. C. No. 2648, effective January 18, 1918.

No. 6908; January 5, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 3, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of \$1.26 per 2000 pounds to apply on carload shipments of Cord Wood, minimum carload weight 40,000 pounds, from Copake Iron Works, N. Y., Hillsdale, N. Y., and Martindale, N. Y., to 33rd Street, 60th Street, and 130th Street stations, New York, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3538, effective January 10, 1918.

No. 6909; January 7, 1918; Erie Railroad Company:

Ordered: That under its application therefor dated January 5, 1918, the Erie Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within 30 days from the date hereof, a supplement to its freight tariff on Petroleum Oils and Petroleum Products, P. S. C., 2 N. Y., No. 3677, thereby superseding and reissuing without change supplement No. 9 to said tariff, and also establishing therein, except as amended by said supplement No. 9, the rates and regulations applicable to New York intrastate traffic which were formerly contained in supplement No. 6 to said tariff as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority is given to permit the correction of error and does not waive any of the requirements of the Commission's published rules relative to the construction

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and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 10 to P. S. C. No. 3677, effective January 19, 1918.

No. 6910; January 8, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 7, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of 15.8 cents per 40-quart can to apply on shipments of Fluid Milk (to be pasteurized and re-shipped), in lots of 30 cans or more, from Towners, N. Y., to Wassaic, N. Y., said rates not to include icing but will include the free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3549, effective January 12, 1918.

No. 6911; January 8, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 7, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a supplement to its freight tariff on Iron and Steel Articles, P. S. C., 2 N. Y., N. Y. C. No. 3513, for the purpose of adding the West Shore Railroad to said tariff as a participating carrier. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required, and is given in order to permit the correction of an error.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 3513, effective January 14, 1918.

No. 6912; January 8, 1918; Orange County Traction Company:

Ordered: That under its application therefor the Orange County Traction Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of January 11, 1918, a tariff schedule establishing a passenger fare of 10 cents per capita to apply in either direction between points on the Orange County Traction Company's Newburgh City and Balmville divisions and New Windsor, N. Y., and intermediate points on the route of the Newburgh and New Windsor Bus Company, Incorporated, except that children under 5 years of age accompanied by person in charge will be transported free; also providing regulations governing the issuance of transfers, and charges for and regulations governing the transportation of baggage or packages. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 16, effective January 11, 1918.

No. 6913; January 9, 1918; Deer River Railroad Corporation:

Ordered: That under its application therefore dated January 8, 1918, the Deer River Railroad Corporation be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a local freight tariff of commodity rates applying in either direction between Carthage, N. Y., and State Road (Champion-Denmark), N. Y., and establish the rates and regulations set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 4, effective January 10, 1918.

No. 6914; January 9, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 8, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 8.4 cents per 100 pounds to apply on shipments of Pulpwood, carloads, minimum weight 40,000 pounds, from Niagara Falls, N. Y., to Watertown, N. Y., and Brownville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3550, effective January 11, 1918.

No. 6915; January 10, 1918; All Carriers by Railroad:

The Director General of Railroads having requested and received the Interstate Commerce Commission's approval for filing tariffs containing changes in demurrage rules, regulations, and charges, in compliance with his order No. 3 of January 5, 1918, effective January 21, 1918, addressed to "All carriers by railroad,"

Ordered: That under applications therefor, all carriers subject to the jurisdiction of the said Director General of Railroads, operating within this State and as to New York State traffic, be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than January 21, 1918, tariff schedules amending Demurrage Rules, Regulations, and Charges now in effect to provide as follows:

"A. (1) Forty-eight hours' (two days) free time for loading or unloading on all commodities.

(2) Twenty-four hours' (one day) free time on cars held for any other purpose permitted by tariff.

B. Demurrage charges per car per day or fraction of a day until car is released, as follows: \$3 for the first day, \$4 for the second day, and for each succeeding additional day the charge to be increased \$1 in excess of that for the preceding day until a maximum charge of \$10 per car per day shall be reached on the eighth day of detention beyond free time, the charge thereafter to be \$10 per car per day or fraction thereof. These charges will supersede all those named in existing tariffs applicable to domestic freight, and specifically contemplate the cancellation of all average agreement provisions of existing tariffs.

No change is authorized hereby to be made in demurrage rules, regulations, and charges applying on foreign export freight awaiting ships at export points."

This authority does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by tariff publications filed by various carriers, effective January 21, 1918.

No. 6915, amended:

Ordered: That this Commission's special permission No 6915, of January 10, 1918, be amended by the addition thereto, immediately after the words ". . . foreign export freight awaiting ships at export points," of the following:

Carriers are hereby authorized to cancel what is known as the bunching rule.

No. 6916; January 10, 1918; The Delaware and Hudson Company:

Ordered: That under its application therefor dated January 9, 1918, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 89 cents per 2000 pounds on Wood, Pulp; and Logs, Pulp, carloads, minimum weight

40,000 pounds, from Lake Placid, N. Y., via Saranac Lake, N. Y., and the New York Central railroad, to Tupper Lake, N. Y.; and a rate of \$2.32 per 2000 pounds on Wood, Pulp, carloads, minimum weight 40,000 pounds, from Ballston Spa, N. Y., Whitehall, N. Y., Middle Granville, N. Y., and Granville, N. Y., via Schenectady, N. Y., and the New York Central railroad, to Boonville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 12, to P. S. C. No. 3155, effective January 12, 1918.

No. 6917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) for itself and all other railroad carriers:

Ordered: That under application therefor all railroad carriers under this Commission's jurisdiction, or their duly authorized agents, be and they are hereby authorized to file, without notice to the public and the Commission, supplements to tariff schedules further postponing from January 13, 1918, until July 13, 1918, the effective dates of schedules containing rates, charges, regulations, and practices applicable to the New York intrastate transportation of Live Stock and Fresh or Dressed Meats, and which schedule or schedules of similar interstate application are further suspended until said July 13, 1918, by the Interstate Commerce Commission in first supplemental order of date January 8, 1918, in its Investigation and Suspension Docket No. 1124 (Eastern Live Stock-Fresh Meat case). Said postponements shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of supplements which will not be counted against the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55. This authority is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, and it is limited strictly to its terms and does not include later supplements to or reissues of the tariff schedules amended hereunder.

Completed by proper tariff publications filed by various carriers, effective January 13, 1918.

No. 6918; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) for itself and other carriers:

Ordered: That under application therefor all railroad carriers under the jurisdiction of this Commission, or their duly authorized agents, be and they are hereby authorized to file, without notice to the public and this Commission, supplements canceling, effective January 13, 1918, schedules now on file with this Commission containing rules and regulations governing Diversion and Reconsignment of carload freight to become effective January 13, 1918 (the effective dates of which schedules have been previously postponed from time to time under special permissions of this Commission). This authority applies only to traffic as to which this Commission has jurisdiction and is given in order that the application of rules and charges governing diversion and reconsignment of carload freight may be uniform as to intrastate and interstate traffic, the Interstate Commerce Commission having ordered the cancellation of said tariffs as to interstate traffic in its order of December 24, 1917, in Investigation and Suspension Docket No. 1050.

Completed by proper notices of cancellation, filed by various carriers, effective January 13, 1918.

No. 6919; January 11, 1918; Delaware and Northern Railroad Company:

Ordered: That under its application therefor dated January 10, 1918, the Delaware and Northern Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than January 21, 1918, and without observing the requirements of Rule 9(e) of this Commission's Circular No. 55, a supplement to each of its effective freight tariffs which bear the following regulation: "Under this tariff when freight is to be loaded by consignor or unloaded by consignee, \$1 per car per day or fraction thereof, for delay

beyond forty-eight hours in loading or unloading, will be added to the rates named herein and constitute a part of the total charges to be collected by the carrier on the property; except that car demurrage bureau or local regulations at shipping point or destination, lawfully on file with the Public Service Commission, 2nd District, State of New York, on intrastate traffic, shall prevail or govern at such points"; eliminating from such tariffs the said regulation, and adding the following regulations to each of its effective freight tariffs which do not now bear such regulation: "The rates named herein apply from and to the tracks, stations, or other receiving and delivering points on, and to and from private sidings connected with this company's lines or with the lines of other parties to this tariff, where the particular traffic is usually received or delivered, subject however to such charges, if any, for switching, terminal service, storage, icing, diverting, or reconsigning, and other charges or rules or regulations at points of origin, destination, or en route, that may in anywise change, affect, or determine any part or the aggregate of such rates or privileges or facilities granted or allowed, as are or shall be published by this company or any of the lines party to this tariff, and are lawfully on file with the Public Service Commission, 2nd District, State of New York, on intrastate traffic. The rates will also apply to or from tracks, stations, or other receiving and delivering points on, or to and from private sidings on connecting lines not parties to this tariff, when provided for in terminal tariffs published by any of the lines parties to this tariff which are lawfully on file with the Public Service Commission, 2nd District, State of New York, on intrastate traffic." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as above noted, and is given in order to permit carrier to properly establish demurrage regulations and charges as required by the Director General of Railroad's Order No. 3 of January 5, 1918.

Completed by proper supplements to tariffs, effective January 21, 1918.

No. 6920; January 12, 1918; The Pennsylvania Railroad Company:

Ordered: That under application therefor dated January 9, 1918, carriers or duly authorized agents, now having on file with this Commission tariff schedules relating to rates on Petroleum and Petroleum Products, carloads, the effective dates of which are now under order of the Interstate Commerce Commission in its I. & S. Docket No. 1134, as to interstate traffic, suspended to January 13 or January 18, 1918, and by special permission of this Commission, No. 6783, of September 20, 1917, postponed as to New York intrastate traffic until said dates, be and they are hereby authorized to file, without notice to the public and the Commission, supplements to such postponed schedules further postponing the effective dates thereof until July 18, 1918. Such postponement supplements shall bear date of issue and will not be counted against the number of supplements to said tariffs permitted by Rule 9(e) of this Commission's Circular No. 55. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as above noted, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having suspended, as to interstate traffic, the effective dates of the above referred to schedules until July 18, 1918, in its order in Investigation and Suspension Docket No. 1134.

Completed by supplement No. 2-B to P. S. C. No. 33, issued by E. Morris, as agent for various carriers; and supplement No. 17 to the Pennsylvania Railroad Co., G. O. P. S. C. No. 823.

No. 6921; January 12, 1918; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated January 11, 1918, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the

public and the Commission and within 30 days from the date hereof, a supplement to its Joint and Proportional Freight Tariff of Rates on Various Commodities, P. S. C., 2 N. Y., W. S. No. 641, superseding supplement No. 20 to said tariff, and reissuing said supplement without change except to establish as new matter, as to New York intrastate traffic, all items shown on page 7 of supplement No. 18 to said tariff. This authority is given for the purpose of permitting correction of error, and does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 24 to P. S. C. W. S. No. 641, effective January 29, 1918.

No. 6922; January 14, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 11, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of 8.4 cents per 100 pounds to apply on carload shipments of Pulpwood, minimum carload weight 40,000 pounds, from St. Johnsville, N. Y., to Brownville, N. Y., and Watertown, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3554, effective January 19, 1918.

No. 6923; January 14, 1918:

Ordered: That under application dated January 10, 1918, all electric railroad companies subject to the jurisdiction of this Commission be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than January 21, 1918, tariff schedules of Demurrage and Car Service Charges and Regulations to provide as follows:

"A. (1) Forty-eight hours' (two days) free time for loading or unloading on all commodities.

(2) Twenty-four hours' (one day) free time on cars held for any other purpose permitted by tariff.

B. Demurrage charges per car per day or fraction of a day until car is released, as follows: \$3 for the first day, \$4 for the second day, and for each succeeding additional day the charge to be increased \$1 in excess of that for the preceding day until a maximum charge of \$10 per car per day shall be reached on the eighth day of detention beyond free time, the charge thereafter to be \$10 per car per day or fraction thereof. These charges will supersede all those named in existing tariffs applicable to domestic freight, and specifically contemplate the cancellation of all average agreement provisions of existing tariffs.

No change is authorized hereby to be made in demurrage rules, regulations, and charges applying on foreign export freight awaiting ships at export points."

This authority does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that uniform charges and regulations as to intrastate and interstate traffic may apply, the Interstate Commerce Commission in its Fifteenth Section Order No. 225 issued January 5, 1918, at the request of the Director General of Railroads, having authorized the filing of said regulations and charges in compliance with his order No. 3 of January 5, 1918.

Completed by tariff publications, filed by various carriers; effective January 21 and later dates in January, 1918.

No. 6924; January 17, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated January 15, 1918, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, an amendment to its freight tariff P. S. C., 2 N. Y., No. 1077, establishing on Logs, carloads, minimum weight as now specified in said tariff, from New York state stations Freedom, Farmersville, Elton, Machias, Bird, and Devereux, via Charlotte, N. Y., and the New York Central railroad to Webster, N. Y., a rate of \$1.58 per ton of 2000 pounds; said supplement to bear notation that it supersedes as to the aforesaid rate the rates on logs, carloads, from and to same points, now named in supplement No. 5 to said tariff P. S. C., 2 N. Y., No. 1077, and in tariff P. S. C., 2 N. Y., No. 838. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6925; Boston and Maine Railroad:

This permission not used.

No. 6926; January 19, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 18, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rates to apply to the shipment of Pulpwood, carloads, minimum weight 40,000 pounds, to Carthage, N. Y., from New York state stations, as follows: Mallory, 3.7 cents per 100 pounds; Edwards, 4.7 cents per 100 pounds; Talleville, 4.7 cents per 100 pounds; Emeryville (including York siding), 4.7 cents per 100 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3561, effective January 25, 1918.

No. 6927; January 22, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 21, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rates to apply to shipments of Milk in forty-quart cans from Plumbrook, N. Y., and DeKalb Junction, N. Y., to Potsdam, N. Y., as follows: Less than carloads, minimum 75 cans, 24.2 cents per can; carloads, minimum 250 cans, 21.1 cents per can; said rates not to include icing, but will include free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3562, effective January 24, 1918.

No. 6928; January 22, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 21, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.58 per cord to apply on carload shipments of Cordwood, minimum ten cords per car, from Lyons Falls, N. Y., to Ilion, N. Y., in connection with the West Shore railroad. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3565, effective January 26, 1918.

No. 6929; January 22, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 21, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 95 cents per cord to apply on carload shipments of Cordwood, minimum 12 cords per car, from Chasm Falls, N. Y., to Saranac Lake, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3566, effective January 26, 1918.

No. 6930; January 22, 1918; Greenwich and Johnsonville Railway Company:

Ordered: That under its application therefor dated January 22, 1918, the Greenwich and Johnsonville Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule canceling its tariff on Fluid Milk, P. S. C., 2 N. Y., No. 424, and establishing without change the rates and regulations formerly contained in its tariff P. S. C., 2 N. Y., No. 411. This authority is given in order to permit uniformity in the application of rates and regulations in connection with New York state and interstate traffic; it does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 428, effective January 26, 1918.

No. 6931; Various Carriers:

Ordered: That under applications therefor carriers, or their authorized agents, subject to the jurisdiction of this Commission, which have filed with this Commission supplements postponing the effective dates of rate schedules applying on Grain and Grain Products from October 1, 1917, until January 29, 1918, be and they are hereby authorized to file, without notice to the public and the Commission, supplements to such rate schedules for the purpose of further postponing, as to New York intrastate traffic, from January 29, 1918, until July 29, 1918, the effective dates thereof or of items therein which have been further suspended as to interstate traffic until said July 29, 1918, by the Interstate Commerce Commission in its Investigation and Suspension Docket No. 1142. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under Rule 9(e) of this Commission's Circular No. 55, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by proper notices of postponement filed by various carriers.

No. 6932; January 25, 1918; The New York Central Railroad Company:

Ordered: That under application therefor dated January 25, 1918, The New York Central Railroad Company and The Baltimore and Ohio Railroad Company be and they are hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, amendments to their schedules containing Lighterage and Terminal Regulations in New York Harbor, bearing respectively P. S. C., 2 N. Y., N. Y. C. No. 2483, and P. S. C., 2 N. Y., No. 46, for the purpose of changing therein under caption "Demurrage Charges on Lighters, Barges, or Car Floats Carrying Freight under Export and Domestic Bills of Lading," the charge for "Other lighters or barges" to read "Other lighters or barges: First two days \$15; next two days \$20; thereafter \$25." This authority is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission in its Fifteenth Section Order No. 278, dated January 24, 1918, having permitted similar change as to interstate traffic; it does not waive any of the require-

ments of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 42 to P. S. C. N. Y. C. No. 2483, and supplement No. 14 to P. S. C. No. 46; effective February 1, 1918.

No. 6933; January 25, 1918; R. N. Collyer, Agent:

Ordered: That under application therefor dated January 24, 1918, R. N. Collyer, duly authorized agent, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a supplement to his tariff schedule P. S. C., 2 N. Y., O. C. No. 44, further postponing, from January 29, 1918, until July 29, 1918, the effective date of item 7, page 49, of supplement No. 15 to said tariff schedule P. S. C., 2 N. Y., O. C. No. 44. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff schedule under Rule 9(e) of the Commission's Circular No. 55; it is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having suspended, as to interstate traffic, the effective date of the item above referred to as per order in its Investigation and Suspension Docket No. 1145.

Completed by supplement No. 21 to P. S. C. O. C. No. 44.

No. 6934; January 26, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 25, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.15 per 2000 pounds to apply on carload shipments of Cord Wood, minimum carload weight 40,000 pounds, from Croton Lake, N. Y., to Morris Heights, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3567, effective January 30, 1918.

No. 6935; January 26, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 25, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.58 per cord to apply on carload shipments of Cord Wood, minimum 10 cords per car, from Port Leyden, N. Y., to Utica, N. Y., and Syracuse, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3571, effective February 4, 1918.

No. 6936; January 26, 1918; The Delaware and Hudson Company:

Ordered: That under its application therefor dated January 25, 1918, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$2.25 per ton of 2240 pounds to apply on carload shipments of Iron Ore, minimum carload weight as per Official Classification, from Port Henry, N. Y., via Schenectady, N. Y., and the New York Central railroad, to Watertown, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 20 to P. S. C. No. 3301, effective February 1, 1918.

No. 6937; January 29, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 28, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 26.7 cents per can to apply on carload shipments of Fluid Milk, in forty-quart cans, minimum 250 cans per car, from Verona, N. Y., to Massena Springs, N. Y.; said rate not to include icing but will include free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3570, effective February 1, 1918.

No. 6938; January 29, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 28, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rates to apply on shipments of Condensed Milk, in forty-quart cans, from Carthage, N. Y., to Potsdam, N. Y., as follow: Less than carloads, minimum 75 cans, 46.2 cents per can; carloads, minimum 250 cans per car, 40.4 cents per can; said rates not to include icing but will include free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3569, effective February 1, 1918.

No. 6939; January 31, 1918; Rutland Railroad Company:

Ordered: That under its application therefor dated January 31, 1918, the Rutland Railroad Company be and is hereby authorized to file, without notice to the public and the Commission, supplements to its local commodity tariffs applying on Bituminous Coal, P. S. C., 2 N. Y., Nos. 852 and 853, postponing the effective date thereof from February 27, 1918, until March 15, 1918. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as to the number of supplements permitted to said tariffs under Rule 9(e) of this Commission's Circular No. 55, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplements Nos. 1 to P. S. C. Nos. 852 and 853, filed February 1, 1918.

No. El.-41; January 2, 1918; Schenectady Illuminating Company:

Ordered: That under its application therefor dated December 31, 1917, the Schenectady Illuminating Company be and is hereby authorized to file, effective January 4, 1918, without notice to the public and the Commission, an amendment to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, superseding First Revised Leaf No. 17, Service Classification No. 9, and establish the rates and regulations for sign lighting as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations governing the publication and filing of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice required; it is given in order that the rates and regulations of the company may fully comply with any requirement of the Federal Fuel Administrator.

Completed by schedule effective January 4, 1918.

No. El.-42; January 8, 1918; Westchester Lighting Company:

Ordered: That under its application therefor dated January 7, 1918, the Westchester Lighting Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, revised leaves to its General Schedules for Electricity, P. S. C., 2 N. Y., Nos. 1 to 6 inclusive, for the purpose of establishing the following regulation: "Federal Fuel Administration Order — Relating to the

Use of Fuel for Operating Illuminated Signs: Any and all rate schedules, contracts, service riders, and regulations of this company that may be affected by orders or amendments thereto issued or that may hereafter be issued by the United States Fuel Administrator, Washington, D. C., or by the Federal Fuel Administrator for New York State, acting under authority of an executive order of the President and in furtherance of the purpose of the act of Congress approved August 10, 1917, are hereby modified and amended so as to comply in all respects with such orders or amendments." Such revised leaves shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. El.-42, of January 8, 1918." This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective January 11, 1918.

No. El.-43; January 16, 1917; Corning Light and Power Corporation:

Ordered: That under its application therefor dated January 15, 1918, the Corning Light and Power Corporation be and is hereby authorized to file, on not less than ten days' notice to the public and the Commission and under an effective date of February 1, 1918, an amendment to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, canceling and withdrawing Service Classification No. 4 therein applying to sign and window lighting. This authority does not waive any of the requirements of the Commission's published regulations governing the publication and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required; it is given in order that the rates and regulations as stated in its schedules may be in compliance with requirements of the United States Fuel Administrator at Washington, D. C., or his authorized representatives.

Completed by schedule effective February 1, 1918.

No. El.-44; January 21, 1918; Northern Westchester Lighting Company:

Ordered: That under its application therefor dated January 17, 1918, the Northern Westchester Lighting Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, amendments to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, establishing the regulation relative to Federal Fuel Administration Orders as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that the rates and regulations as stated in said company's schedules may be in compliance with requirements of the United States Fuel Administrator at Washington, D. C., or his authorized representatives.

Completed by schedules effective January 29, 1918.

No. El.-45; January 21, 1918; Peekskill Lighting and Railroad Company:

Ordered: That under its application therefor dated January 17, 1918, the Peekskill Lighting and Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, amendments to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, establishing the regulation relative to Federal Fuel Administration Orders as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that the rates and regulations as stated in said company's schedules may be in compliance with requirements of the United States Fuel Administrator at Washington, D. C., or his authorized representatives.

Completed by schedules effective January 29, 1918.

UNRECORDED

No. G-18; January 21, 1918; Northern Westchester Lighting Company:

Ordered: That under its application therefor dated January 17, 1918, the Northern Westchester Lighting Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, an amendment to its general schedule for gas, P. S. C., 2 N. Y., No. 1, establishing the regulation relative to Federal Fuel Administration Orders as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that the rates and regulations as stated in said company's schedules may be in compliance with requirements of the United States Fuel Administrator at Washington, D. C., or his authorized representatives.

Completed by schedule effective, January 29, 1918.

No. G-19; January 21, 1918; Peekskill Lighting and Railroad Company:

Ordered: That under its application therefor dated January 17, 1918, the Peekskill Lighting and Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, an amendment to its general schedule for gas, P. S. C., 2 N. Y., No. 1, establishing the regulation relative to Federal Fuel Administration Orders as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that the rates and regulations as stated in said company's schedules may be in compliance with requirements of the United States Fuel Administrator at Washington, D. C., or his authorized representatives.

Completed by schedule effective January 29, 1918.

No. G-20; January 23, 1918; Crystal City Gas Company:

Ordered: That under its application therefor dated January 21, 1918, the Crystal City Gas Company be and is hereby authorized to file, without notice to the public and the Commission and under an effective date of January 26, 1918, an amendment to its general schedule for gas, P. S. C., 2 N. Y., No. 1, revising Service Classification No. 4, and establish a rate of 45 cents per thousand cubic feet and a minimum charge of 45 cents per month, with a discount of 5 cents per thousand cubic feet, or 5 cents per month if minimum charge is assessed, on all bills paid on or before the 10th of the month following the month in which gas is consumed. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective January 26, 1918.

No. G-21; January 24, 1918; Homer and Cortland Gas Light Company:

Ordered: That under its application therefor dated January 22, 1918, the Homer and Cortland Gas Light Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and under an effective date of February 1, 1918, an amendment to its general schedule for gas, P. S. C., 2 N. Y., No. 1, revising Service Classification No. 1 therein as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective February 1, 1918.

No. G-22; January 26, 1918; Homer and Cortland Gas Light Company:

Ordered: That under its application therefor dated January 25, 1918, the Homer and Cortland Gas Light Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of February 1, 1918, an amendment to its general schedule for gas, P. S. C., 2 N. Y., No. 1, eliminating from Service Classification No. 2 therein the monthly service charge of 50 cents. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective February 1, 1918.

No. G-23; January 30, 1918; Iroquois Natural Gas Company:

Ordered: That under its application therefor dated January 30, 1918, the Iroquois Natural Gas Company, for the purpose of postponing the effective date of rates and regulations heretofore filed with this Commission to become effective February 1, 1918, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of February 1, 1918, amendments to its general schedules for gas, P. S. C., 2 N. Y., Nos. 1, 2, 3, and 4, continuing the rates and regulations now in effect. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective February 1, 1918.

No. T.&T. 127; January 25, 1918; New York Telephone Company:

Ordered: That under its application therefor dated January 23, 1918, the New York Telephone Company, as agent for the Glen Telephone Company, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than February 1, 1918, amendments to its local and joint toll tariffs, establishing toll charges to apply between points on the lines operated by the Glen Telephone Company as set forth in said application, which application is hereby made a part of this order. This authority is given in order to permit changes in the Glen Telephone Company's toll charges to correspond with changes in its local general tariffs which were filed on statutory notice to become effective February 1, 1918, and does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective February 1, 1918.

62 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Cases Nos. 6345, 6346]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of February, 1918.

Present:

FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of Complaints of H. ALDEN NICHOLS of Spencerport and MARTIN R. WATERMAN of Brockport *against* BUFFALO, LOCKPORT AND ROCHESTER RAILWAY COMPANY as to proposed increase in commutation passenger fares on said company's railroad; and on the Commission's own initiative.

These complaints having been received and copies served on the company, with direction that they be satisfied or that answer be made; and it appearing that the increased commutation fare should not be permitted to be charged, if at all, pending an investigation of its reasonableness by this Commission — the increase being, approximately, from the present rate of one cent a mile to one and one-half cents a mile — which investigation will be by hearing on said complaints, on other complaints on the subject which may be received in the meantime, and on the Commission's own initiative (without answer of the company) as to said fare as proposed for the entire length of the railroad; and said proposed increased commutation fare appearing in a tariff filed here by said company proposed to be effective March 1, 1918, entitled "Supplement No. 6 to P. S. C., 2 N. Y., No. 226"; it is

Ordered: 1. That the effective date of said supplement be suspended, and that the use of the proposed increased fare for commutation ticket books be deferred until and including April 30, 1918, unless otherwise ordered by the Commission.

Ordered: 2. Said Buffalo, Lockport and Rochester Railway Company shall publish and file a proper tariff amendment containing notice of this suspension.

[Case No. 6352]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of February, 1918.

Present:

FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of Complaint of RESIDENTS OF BINGHAMTON AND JOHNSON CITY *against* BINGHAMTON RAILWAY COMPANY as to proposed stopping of sale of certain passenger tickets; and on the Commission's own initiative.

This complaint having been received and copy served on the company, with direction that it be satisfied or that answer be made; and it appearing that the stoppage of sale of the tickets in question should not be permitted, if at all, pending an investigation of the reasonableness of this action by this Commission — the effect of the stoppage being to withdraw from the public certain reduced rate tickets — which investigation will be by hearing on said complaint, on other complaints on the subject which may be received in the meantime, and on the Commission's own initiative (without answer of the

company); and said proposed stoppage of sale appearing in a tariff filed here by said company proposed to be effective February 25, 1918, entitled "P. S. C., 2 N. Y., No. 8"; it is

Ordered: 1. That such portion of said tariff as proposes to effect such stoppage of sale of such reduced rate tickets is hereby suspended until and including April 30, 1918, or the prior determination of this Commission of the reasonableness of said action.

Ordered: 2. That said Binghamton Railway Company shall publish and file a proper tariff amendment containing notice of this suspension.

[Case No. 1283]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Application of the VILLAGE OF MEDINA to determine the manner of carrying a new street across the New York Central and Hudson River railroad.

The order of the Commission of December 1, 1909, in the above entitled matter, requires that the new street referred to in the petition shall cross under the grade of the tracks of the New York Central and Hudson River railroad, in accordance with plans and specifications to be furnished by the village and approved by the railroad company and by this Commission. No such plans and specifications having meanwhile been submitted, and the village by letter dated February 18, 1918, from the village attorney, having informed the Commission that it does not care to proceed further with this project, it is

Ordered: That the case be and it is hereby closed upon the records of this Commission.

[Case No. 5438]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the ERIE RAILROAD COMPANY under section 91 of the Railroad Law for the closing and discontinuance of two highway grade crossings of its railroad in the town of Canisteo, Steuben county, the travel thereon to be diverted therefrom to an existing overgrade crossing of the railroad.

The work covered by the Commission's determination of May 16, 1916, in the above entitled matter, having been entirely completed in accordance with

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the requirements of said determination and approved detail plans and specifications, to the satisfaction of the railroad company, of this Commission, and of the Town of Canisteo as indicated by letter dated January 23, 1918, from the supervisor, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5981]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for the elimination of grade crossings in the city of Tonawanda and North Tonawanda.

Upon the recommendation of The New York Central Railroad Company as indicated by the signature of its chief engineer upon detail plans of the proposed structures by which its revised line is to be carried across Kohler street and Grove street, in the city of Tonawanda, pursuant to a determination of this Commission in the matter above entitled of July 26, 1917; and upon the approval by the City of Tonawanda of a plan typical of the crossings proposed at Kohler and Grove streets, it is

Ordered: That said detail plans be and are hereby approved by this Commission.

[Case No. 6072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of carriers for relief from the provisions of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917, with respect to the establishment of new fares, rates, routes, and regulations applicable to the through carriage of persons and property.

Section 36.
Order No. 3.

Upon application of the carriers operating within the jurisdiction of this Commission, filed January 24, 1918, by Mr. C. C. McCain, joint agent, it appearing to the Commission that the convenience of the carriers, the public, and the Commission will be better served by granting the relief prayed for in said petition, and to help in unifying and nationalizing the railroad systems within this State in the manner set forth by the Hon. William G. McAdoo, Director-General of Railroads, in his General Order No. 1, dated December 29, 1917; therefore it is

Ordered: That in those instances in which carriers are permitted under this Commission's special permission No. 6944 to file tariffs or supplements

to tariffs effective on one day's notice to the public and the Commission, providing for additional through routes for the transportation of freight or passengers and rates or fares applicable thereto, and for additional terminal facilities, the said carriers, until further order, be and they are hereby authorized to establish rates and fares for the transportation of freight and passengers via such additional through routes, and to provide for additional receiving or delivery points at stations or ports necessary to the operation of railroads as a national system of transportation and the terms, rates, conditions, and absorptions incident thereto, without observing the requirements of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917.

The Commission does not hereby approve any rates or fares that may be filed under this authority, all such rates and fares being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

[Case No. 6145]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of ZEVELLIA P. COBURN
of New York city *against* POSTAL TELEGRAPH-CABLE
COMPANY as to payment of money transfer.

On May 7, 1914, that is, three years prior to the filing of this complaint, the complainant transmitted to her brother by the lines of the respondent a money order for \$50, from New York city to Jacksonville, Florida. The respondent being unable to locate the payee at the address given, sent notice to the complainant on May 12, 1914, to call at its office for refund of the money. There was some delay on the part of the complainant in complying with this notice, and in the meantime the payee appeared at the company's office in New York and upon being identified was given the money.

The complainant asked that the Commission enter an order, first, to require the company to refund the money to her; and second, that in effect the respondent be bound strictly to make such refunds within seventy-two hours in the event that the payees of money orders are not located within that time, claiming that such practice is required as a protection to the public and is a reasonable interpretation of the company's rule which reads as follows: "In case payment is not made to the payee within seventy-two hours after receipt of the transfer message by the manager of the paying office (exclusive of Sundays and holidays), the transfer will be canceled and the amount thereof refunded to the sender on application at the receiving office. . . ."

At the hearing of this case the Commissioner presiding necessarily ruled that this particular transaction was an interstate matter and therefore outside the jurisdiction of this Commission, and that the only feature that could be considered was whether a similar practice relative to intrastate money transfers was reasonable or otherwise.

In transmitting money by telegraph the company must have a reasonable time to locate the payee, and on the other hand must not hold the money for an unreasonable time in the event that it is unable to locate the payee. Under its rule the respondent holds itself responsible for continuing its effort to locate the payee for seventy-two hours after accepting the order. Such a time limit does not appear to be unreasonable, but if the company should so elect, it should not be prevented from further serving the interests of both

payer and payee by being required to discontinue its effort within exactly seventy-two hours.

No theory of general application was advanced by the complainant to show in what respect the public suffers because of the present practice. There is no question of loss or misappropriation of funds involved, and there appears to be no unwillingness to do less than may be reasonably required. The rule has been in effect for many years and has not before been the subject of formal complaint or even of informal inquiry. The reasons why the complainant desired at one time that payment be made, and some time thereafter wished the payment withheld, appear to have been personal and unusual, and not such as would apply to the general public. The fact that a practice of the respondent, which so far as the Commission is aware, has given general satisfaction for many years, did not work out to the satisfaction of this complainant in one instance under some peculiar circumstances, does not give sufficient ground for warranting an order to change the practice; therefore it is

Ordered: That this case be and is hereby dismissed and closed upon the records of this Commission.

[Case No. 6154]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY under section 55, Public Service Commissions Law, for authority to issue \$1,500,000 in consolidated mortgage 4½ per cent bonds. See petition for authority to pledge bonds as collateral, and supplemental petition as to collateral.

Amendatory
order.

Petition filed August 2, 1917; report of division of capitalization dated August 21, 1917; order entered August 21, 1917; supplemental petition filed February 9, 1918; amended supplemental petition filed February 21, 1918; hearing held February 23, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order herein dated August 21, 1917, is hereby amended to authorize the Buffalo, Rochester and Pittsburgh Railway Company to pledge all or any part of \$1,200,000 face amount of the 4½ per cent 50-year consolidated mortgage bonds therein authorized to be issued as collateral security for its short term loans aggregating \$1,000,000, provided that the following prohibitions are observed: (a) That the principal of the loans for which any of said bonds may be pledged shall in no event be less than 83⅓ per cent of the face amount of such bonds; (b) that said bonds shall not be pledged for a greater period than six months without the further order of this Commission.

2. That the proceeds of the loans for which bonds heretofore authorized herein may be pledged as collateral security shall be used exclusively for the purposes for which the proceeds of the bonds were authorized to be used as provided in the order entered herein on August 21, 1917.

3. That the Buffalo, Rochester and Pittsburgh Railway Company shall, within 30 days from the date of this order, file with the Commission a verified report which shall show (a) the face amount of bonds which have been pledged in accordance with the authority contained herein; (b) the date of such pledging; (c) the principal, amount, term, and interest rate of each

loan for which such bonds are pledged; (d) any other terms and conditions of such transactions; (e) the amount of loan proceeds used for the purpose specified in the order herein dated August 21, 1917.

4. That in all other respects the order heretofore entered herein on August 21, 1917, shall remain in full force and effect.

[Case No. 6161]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of the BATAVIA
CHAMBER OF COMMERCE *against* THE NEW YORK
CENTRAL RAILROAD COMPANY as to discontinuance of
train 303.

The above entitled proceeding having come on to be heard before Commissioner Barhite at the City Hall in the city of Batavia, New York, on the 12th day of September, 1917, at which time Lewis D. Collins, J. A. LeSeur, and Russell D. Crane, its secretary, represented the Batavia Chamber of Commerce; William F. Haitz, mayor, represented the City of Batavia; J. F. Rose and others represented residents of South Byron, New York; John S. Gleason and others represented Bergen, New York; Maurice C. Spratt of Buffalo, New York, as attorney, represented The New York Central Railroad Company; and Harry Parry of Buffalo, New York, also appeared as assistant general passenger agent of said road; and the evidence in behalf of the complainants and the defendant having been heard; and The New York Central Railroad Company as a result of said hearing having placed on the road between Rochester and Syracuse train No. 301, leaving Rochester, New York, at 9 a. m. and reaching Batavia at 10:01 a. m., and said train having been run for several weeks and no objections having been made thereto, it is

Ordered: That the above entitled proceeding be and the same is hereby dismissed and the same is closed on the books of the Commission.

[Case No. 6167]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint under sections 71 and
72, Public Service Commissions Law, of WILLIAM E.
SCHNELL, as Mayor of Tonawanda, *against* TONA-
WANDA POWER COMPANY as to price charged for
electricity.

The above entitled case having come on to be heard at various times before Commissioner Barhite, and no appearance having been made on behalf of the

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present mayor of the City of Tonawanda; and finally, on the 12th day of January, 1918, the said case having been duly adjourned until the 15th day of February, 1918, with the understanding that said case should be withdrawn provided complainant did not notify the Commission before said date that he wished to have the same heard; and this Commission having received a letter under date of January 12th stating that the present mayor of the City of Tonawanda does not care to proceed with the matter, it is

Ordered: That the complaint in the above entitled proceeding be and the same is hereby dismissed and said proceeding is closed upon the books of the Commission.

[Case No. 6231]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of RESIDENTS OF PINE-LAWN AND DEER PARK, Suffolk county, *against* THE LONG ISLAND RAILROAD COMPANY as to discontinuance of the former stops of train No. 214 (from New York) at said stations, on the main line.

At a public hearing in this matter on December 7th last in New York city, the company agreed to stop train No. 214 at Pinelawn and Deer Park for thirty days, starting December 10th; this was done, and the train has continued to stop at said station. Under date of January 31, 1918, the company informed the Commission that "we will continue to make these stops with train No. 214 until such time as the schedule is changed back to what it was originally, as far as Pinelawn and Deer Park are concerned". Therefore it is

Ordered: That this complaint is closed on the records of the Commission as satisfied, subject to reopening in the future upon further complaint.

[Case No. 6237]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of passenger train service on the St. Lawrence division of the New York Central railroad in Northern New York.

This is hardly a formal case but stands as such on the records of the Commission. As a result of a number of informal complaints as to the irregularity of passenger train service on the St. Lawrence division of the New York Central, a conference was held at Canton November 2, 1917, which was attended by representatives of the railroad company and interested citizens

of the communities affected. It appeared clearly and was already known to the Commission that the passenger service was bad, not because inadequate in amount, but because trains were generally running long behind their scheduled time. This irregularity seemed to be due to several causes: (1) abnormally heavy traffic caused chiefly by movements to and from Canada; (2) abnormally heavy express business delaying trains at stations. In connection with the first cause of delay it may be said that the traffic over the St. Lawrence division, if it should continue, would require double tracking and the installation of automatic signals. At present the passing sidings are too short for the long trains operated, and the station to station manual block system causes great and unavoidable delay. Some arrangements were made which it was thought would relieve to some extent the delay caused by handling express, and also delays to one train when leaving Utica, and the case has been held open awaiting results and in the hope that other measures of relief might be found. Since then the Government has taken over railroad operations and it does not seem practicable at this time to take further action. Reserving to the Commission, the complainants, and others the right to reopen the matter, it is for the present

Ordered: That the case be and the same hereby is closed upon the records of the Commission.

[Case No. 6253]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of the REV. JAMES C. DORWARD *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, asking that train No. 15 (passenger) shall stop at Conklin, Broome county, in the morning for passengers for Binghamton.

James C. Dorward and others having made application to this Commission for an order directing The Delaware, Lackawanna and Western Railroad Company to stop train No. 15 on the Scranton division of said railroad as indicated on timetable No. 32; and a hearing having been had before Commissioner Barhite at the office of the Commission on the 16th day of January, 1918, at which time Hon. F. E. Whitcombe of Union, Broome county, appeared for the complainant; and J. L. Smith, esq., assistant general passenger agent, appeared for The Delaware, Lackawanna and Western Railroad Company; and it appearing from the evidence that proper and adequate service to the public demands that said train No. 15 should stop at Conklin, county of Broome, State of New York, it is

Ordered: That The Delaware, Lackawanna and Western Railroad Company be and said company is hereby directed to stop train No. 15, so called, on the Scranton division of said railroad, as indicated on timetable No. 32, at Conklin station, in the county of Broome, New York, upon signal or whenever there may be passengers on said train who desire to leave the same at said station. The said railroad company is hereby directed to provide at its said station a proper flag or other device to be used by persons who may desire to board said train at said point.

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[Case No. 6264]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of RESIDENTS OF EAST PEMBROKE, Genesee county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY as to proposed discontinuance of trains No. 62 eastbound (passenger) and No. 67 westbound (passenger), on the Batavia and Tonawanda branch.

The above entitled proceeding having come on to be heard before Commissioner Barhite at the Courthouse in the city of Rochester, New York, on the 12th day of January, 1918, and The New York Central Railroad Company having appeared by Locke, Babcock, Spratt and Hollister, its attorneys, and by J. W. Evans, esq., of Rochester, New York, its superintendent, and by Harry Perry, esq., of Buffalo, New York, its assistant general passenger agent; and the case having been called and no one having appeared for the complainants although due notice of said hearing has been given to the complainants, it is

Ordered: That the above entitled proceeding be and the same is hereby dismissed and the same is closed on the books of the Commission.

[Case No. 6289]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of the INCORPORATED VILLAGE OF CORFU, Genesee county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking that train 23 (passenger) stop at that station.

The above entitled proceeding having been brought on for a hearing before Commissioner Barhite at the common council chamber in the City Hall in the city of Batavia on February 8, 1918, at 1:15 p. m., at which time the defendant, The New York Central Railroad Company, was represented by its counsel and its assistant general passenger agent; and the case having been duly called and no one representing the complainants being in attendance, it is

Ordered: That the above entitled proceeding be and the same is hereby dismissed and closed upon the books of the Commission.

[Case No. 6296]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of COMMUTERS FROM CROTON-ON-HUDSON against THE NEW YORK CENTRAL RAILROAD COMPANY, asking that train No. 73 (northbound passenger) stop at that station to discharge passengers.

In this matter the company answered that the stopping of this train "would require the operation of train No. 73 on track No. 4, and under normal conditions would result in delay to westbound freight operation. However, under present conditions, the stop may be made without serious delay, and we are willing to have the train stopped at Croton to discharge passengers, with the understanding that no precedent is established, and reserving the right to discontinue this stop should conditions change"; and the train now stops. Representative of complainants informed the Commission that this is satisfactory so long as continued. It is therefore

Ordered: That this case is hereby closed on the records of the Commission as satisfied, subject to being reopened on further complaint in the future.

[Case No. 6321]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of THE DELAWARE AND HUDSON COMPANY under section 53, Public Service Commissions Law, for permission to exercise a franchise or right allowing the construction of "Y" tracks across a highway in the town of Duanesburgh, Schenectady county.

A petition under section 53 of the Public Service Commissions Law was filed with this Commission by The Delaware and Hudson Company for permission to exercise a franchise, permit, or right which it has obtained by order of the Supreme Court under section 21 of the Railroad Law for the construction of a "Y" track across a highway situate on the southerly side of the railroad of said company at a point about six hundred (600) feet east of bridge No. 22 on its Susquehanna division, in the town of Duanesburgh, county of Schenectady. A public hearing was held in the city of Albany February 13, 1918, at which John E. McLean appeared for the petitioner, and no one else appeared. It appeared from the evidence that it is proposed to construct two legs of the "Y" across the highway described, and that said highway is a lightly traveled town road; that the construction of said "Y" is necessary for the turning of engines near the Delanson station of the petitioner; that in order to construct said "Y" it will be necessary to reduce and incidentally improve the grade of the highway; and that the petitioner

proposes to bear the entire expense of such reduction of grade. It is determined and stated that the exercise of such franchise, permit, or right is necessary and convenient for the public service, and it is

Ordered: That this Commission, under section 53 of the Public Service Commissions Law, hereby permits and approves the exercise by The Delaware and Hudson Company of a certain franchise, permit, or right granted to it by C. C. VanKirk, Justice of the Supreme Court, by order entered January 14, 1918, a copy of which order duly certified is filed with the papers in this case, to lay at grade two tracks, constituting parts of a "Y," across a highway in the town of Duanesburgh, Schenectady county, at a point about six hundred (600) feet east of bridge No. 22 on the Susquehanna division of the railroad of said The Delaware and Hudson Company.

[Case No. 6328]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of T. A. SULLIVAN, superintendent of highways of the town of Milton, Saratoga county, and JOHN E. HODGMAN, superintendent of highways of Saratoga county, against EASTERN NEW YORK RAILROAD COMPANY as to obstruction by snow of crossings of said company's railroad and a parallel highway.

In this matter, after inspection of the locality and conference between the division of electric railways of this Commission and representatives of the railroad company and complainants, agreement was reached between the company and complainants as to removing the snow obstructions, and the town superintendent of highways by letter dated February 16th withdrew the complaint. Therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 6331]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54, Railroad Law, for consent to the discontinuance of the Edgewood station (on the West Shore railroad, lessor), near Rochester.

The New York Central Railroad Company having filed its petition with this Commission asking for an order permitting it to discontinue Edgewood sta-

tion, located on the West Shore railroad between Pittsford and Ridgeland, a short distance southeast of Rochester; and said application having come on to be heard before Commissioner Barhite at the Courthouse in the city of Rochester, New York, on the 16th day of February, 1918, at which time said railroad appeared by its counsel, Daniel M. Beach, esq.; and due proof of due notice of said hearing having been filed; and it appearing that no passenger trains have run over said West Shore railroad past said Edgewood station for a number of years; and it appearing that there are no facilities at Edgewood for handling freight either in carload or less than carload lots as there is no building at such point, and that there is no freight business at this point, it is

Ordered: That The New York Central Railroad Company, as lessee of the West Shore Railroad, be and it is hereby permitted to discontinue Edgewood station, located on the West Shore railroad between Pittsford and Ridgeland, a short distance southeast of Rochester, and that the name of said station may be stricken from said railroad's schedules together with all the tariff regulations relating thereto.

[Case No. 6362]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of jurisdiction of this Commission of
FILLMORE TELEPHONE COMPANY.

Order to
show cause.

An inventory and appraisal of the property which the Fillmore Telephone Company has in use in the service of the public having been made by the division of telegraphs and telephones of this Commission, and that division having found the estimated value thereof to be in excess of \$10,000, it is

Ordered: That the Fillmore Telephone Company be and is hereby required to show cause, at the office of this Commission, No. 58 North Pearl street, in the city of Albany, on Wednesday, March 20th, at 10:30 a. m., why it should not make reports to and in other respects be subject to the supervision of this Commission, in accordance with the provisions of the Public Service Commissions Law.

[Case No. 6363]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of jurisdiction of this Commission of
PHELPS MUTUAL TELEPHONE COMPANY.

Order to
show cause.

An inventory and appraisal of the property which the Phelps Mutual Telephone Company has in use in the service of the public having been made by the division of telegraphs and telephones of this Commission, and that

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division having found the estimated value thereof to be in excess of \$10,000, it is

Ordered: That the Phelps Mutual Telephone Company be and is hereby required to show cause, at the office of this Commission, No. 58 North Pearl street, in the city of Albany, on Wednesday, March 20th, at 10:30 a. m., why it should not make reports to and in other respects be subject to the supervision of this Commission, in accordance with the provisions of the Public Service Commissions Law.

[Case No. 6364]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of jurisdiction of this Commission of HERMON TELEPHONE COMPANY. Order to show cause.

An inventory and appraisal of the property which the Hermon Telephone Company has in use in the service of the public having been made by the division of telegraphs and telephones of this Commission, and that division having found the estimated value thereof to be in excess of \$10,000, it is

Ordered: That the Hermon Telephone Company be and is hereby required to show cause, at the office of this Commission, No. 58 North Pearl street, in the city of Albany, on Wednesday, March 20th, at 10:30 a. m., why it should not make reports to and in other respects be subject to the supervision of this Commission, in accordance with the provisions of the Public Service Commissions Law.

[Case No. 6365]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of jurisdiction of this Commission of ALLEGANY TELEPHONE COMPANY. Order to show cause.

An inventory and appraisal of the property which the Allegany Telephone Company has in use in the service of the public having been made by the division of telegraphs and telephones of this Commission, and that division having found the estimated value thereof to be in excess of \$10,000, it is

Ordered: That the Allegany Telephone Company be and is hereby required to show cause, at the office of this Commission, No. 58 North Pearl street, in the city of Albany, on Wednesday, March 20th, at 10:30 a. m., why it should not make reports to and in other respects be subject to the supervision of this Commission, in accordance with the provisions of the Public Service Commissions Law.

[Case No. 6366]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of jurisdiction of this Commission of Order to
TUSCARORA TELEPHONE COMPANY. show cause.

An inventory and appraisal of the property which the Tuscarora Telephone Company has in use in the service of the public having been made by the division of telegraphs and telephones of this Commission, and that division having found the estimated value thereof to be in excess of \$10,000, it is

Ordered: That the Tuscarora Telephone Company be and is hereby required to show cause, at the office of this Commission, No. 58 North Pearl street, in the city of Albany, on Wednesday, March 20, 1918, at 10:30 a. m., why it should not make reports to and in other respects be subject to the supervision of this Commission, in accordance with the provisions of the Public Service Commissions Law.

[Case No. 6367]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of jurisdiction of this Commission of Order to
THOUSAND ISLAND TELEPHONE COMPANY. show cause.

An inventory and appraisal of the property which the Thousand Island Telephone Company has in use in the service of the public having been made by the division of telegraphs and telephones of this Commission, and that division having found the estimated value thereof to be in excess of \$10,000, it is

Ordered: That the Thousand Island Telephone Company be and is hereby required to show cause, at the office of this Commission, No. 58 North Pearl street, in the city of Albany, on Wednesday, March 20, 1918, at 10:30 a. m., why it should not make reports to and in other respects be subject to the supervision of this Commission, in accordance with the provisions of the Public Service Commissions Law.

76 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6368]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of jurisdiction of this Commission of Order to
TOWNSHIP TELEPHONE COMPANY. show cause.

An inventory and appraisal of the property which the Township Telephone Company has in use in the service of the public having been made by the division of telegraphs and telephones of this Commission, and that division having found the estimated value thereof to be in excess of \$10,000, it is

Ordered: That the Township Telephone Company be and is hereby required to show cause, at the office of this Commission, No. 58 North Pearl street, in the city of Albany, on Wednesday, March 20, 1918, at 10:30 a. m., why it should not make reports to and in other respects be subject to the supervision of this Commission, in accordance with the provisions of the Public Service Commissions Law.

[Case No. 5904]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Complaint of CENTRAL NEW ENGLAND RAILWAY COMPANY under section 49, Public Service Commissions Law, asking that its mileage book rate be increased from two cents a mile to two and one-quarter cents a mile.

This is an application by the Central New England Railway Company for permission to increase its mileage rate from two cents to two and one-quarter cents per mile. It was filed February 14, 1917. A hearing was held June 4, 1917, when the Commission was informed by the applicant that owing to certain complications it was not prepared to proceed. The Commission has received no further information with regard thereto. It is therefore

Ordered: That the case be and the same hereby is closed on the records of the Commission without prejudice to a new application.

[Case No. 5983]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 28th day
of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the BINGHAMTON LIGHT,
HEAT AND POWER COMPANY under section 69, Public
Service Commissions Law, for authority to issue
\$407,000 in first refunding mortgage 5 per cent thirty-
year gold bonds under an existing mortgage, and
\$174,100 6 per cent cumulative preferred stock.

Fourth
amendatory
order.

Petition filed April 20, 1917; report of division of light, heat, and power dated May 26, 1917; hearing held June 20, 1917; report of division of capitalization dated July 30, 1917; order entered July 31, 1917; first supplemental petition filed August 25, 1917; amendatory order entered August 29, 1917; second supplemental petition filed October 3, 1917; second amendatory order entered October 3, 1917; third supplemental petition filed December 19, 1917; third amendatory order entered December 20, 1917; fourth supplemental petition filed February 23, 1918; report of division of capitalization dated February 26, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order herein dated July 31, 1917, as subsequently amended, is hereby further amended to authorize the sale of \$100,000 face value of 5 per cent thirty-year first refunding and improvement mortgage gold bonds for not less than 80 per cent of their face value to realize net proceeds of at least \$80,000, which shall be used solely and exclusively for the following purposes:

(a) For the discharge of outstanding 6% three-month promissory notes aggregating \$40,800, for which \$51,000 of bonds are pledged as collateral security in accordance with authority granted by order herein dated October 3, 1917.....	\$40,800
(b) To be used for any of the purposes enumerated in the order herein dated July 31, 1917.....	\$39,200
	\$80,000

2. That upon the discharge of the indebtedness of \$40,800 shown in subdivision (a) of clause No. 1 hereof, the authority to pledge \$62,000 face amount of 5 per cent thirty-year first refunding and improvement mortgage gold bonds for loans aggregating \$50,000, contained in the order herein dated October 3, 1917, shall be vacated.

3. That within thirty days of the date of this order the Binghamton Light, Heat and Power Company shall file with this Commission a verified report which shall contain full particulars as to the issuance of the bonds herein authorized to be sold and the discharge of the notes for which the proceeds of said bonds may be used.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the bonds heretofore authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

78 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6281]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 28th day
of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition (complaint) of ADDISON
GAS AND POWER COMPANY under sections 71 and 72,
Public Service Commissions Law, asking that said
company may be allowed to increase its rate for
natural gas.

Upon the facts found and for the reasons stated in the accompanying
Opinion it is

Ordered: 1. That the maximum price to be charged by the petitioner for
natural gas to its consumers in the village of Addison shall be forty-eight
cents per thousand feet, with the privilege however to fix a gross rate at
not to exceed fifty-three cents with five cents discount for payment on or
before the 18th of the month following the rendition of the service. This
rate the Commission now determines to be just and reasonable for the service
to be furnished by the petitioner, and this rate to continue for a period of
three years from March 1, 1918, unless the Commission shall upon its own
motion or upon complaint fix a different rate.

2. That the petitioner shall notify the Commission within five days after
the service of a copy of this order as to its acceptance of its terms.

3. That the petitioner shall file with the Commission, in accordance with
the provisions of section 66 of the Public Service Commissions Law and the
rules of this Commission, schedules setting forth the rate established by this
order, which rate the petitioner is authorized to put into effect March 1, 1918,
which tariff, schedule, or supplement may be put into effect on five days'
notice and shall bear the following notation: "Issued on five days' notice
to the public and the Commission under the order of the Public Service Com-
mission, Second District, of the State of New York, of date 1918, in
case 6281."

[Case No. 6357]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 28th day
of February, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of CITIZENS OF SPENCER-
PORT AND VICINITY *against* BUFFALO, LOCKPORT AND
ROCHESTER TROLLEY LINES.

Citizens of the villages of Spencerport and Brockport having made com-
plaint to this Commission against the service furnished by the Buffalo, Lock-
port and Rochester Railway Company between the city of Rochester and the
village of Brockport; and a hearing having been had upon said complaint
before Commissioner Barhite at the Courthouse in the city of Rochester, New

York, on the 15th day of February, 1918, at which time Messrs. H. A. Nichols, Charles Merz, George Stone, Byron Wilson, Joseph L. Humphrey, of Spencerport, N. Y.; James Mann, esq., of Brockport, N. Y., and others, appeared for the complainant; and Ernest I. Edgecomb, counselor at law, of Syracuse, N. Y., J. D. Nailor, esq., superintendent, and Wm. W. Foster, esq., general manager, appeared for the Buffalo, Lockport and Rochester Railway Company; and it appearing from the evidence that a sufficient number of cars are not run for the accommodation of the traveling public between the city of Rochester and the village of Brockport, New York; that at times a large number of passengers are so closely crowded into the vestibule or compartment of cars occupied by the motorman as to interfere with him in the discharge of his duties, and that said passengers converse with the motorman while he is engaged in the performance of his duties; and that the cars of the company are not kept in a clean and sanitary condition, and are not kept in proper repair; and that the track between the city of Rochester and the village of Brockport is rough and in a dangerous condition.

Ordered: That the Buffalo, Lockport and Rochester Railway Company be and it is hereby directed to thoroughly clean the inside of its cars at least once each day, and to sweep its cars at the end of each trip.

Further Ordered: That said railway company be and it is hereby directed to keep its tracks in a safe condition, and to repair its road between the city of Rochester and the village of Brockport under the supervision and to the satisfaction of Mr. Charles R. Barnes, chief inspector of electric railways.

Further Ordered: That no passengers shall be allowed to ride in the front vestibule of any car of said company or in the compartment occupied by the motorman, or to speak to him while he is on a car engaged in the performance of his duty. Notice to the above effect shall be posted in each car.

Further Ordered: That eastbound trains Nos. 4, 10, and 12, as indicated upon timetable No. 23, taking effect January 16, 1918, upon each day of the week except Sunday, shall run double between the village of Brockport and the city of Rochester; and that westbound trains Nos. 25 and 29, named upon the same timetable, upon each day of the week except on Saturday, shall run double between the city of Rochester and the village of Brockport.

Further Ordered: That on Saturday of each week trains Nos. 15, 17, and 19 shall be run double between the city of Rochester and the village of Brockport.

Further Ordered: That the said railway company may substitute service equivalent to that hereinbefore directed to be furnished provided the character of such service shall be first approved by this Commission.

Further Ordered: That this order shall take effect ten days after the service of a copy upon the railway company.

Further Ordered: That within five days after the receipt by it of a copy of this order the said railway company shall notify this Commission whether the terms of this order are accepted and will be obeyed by it.

Special Permission Tariffs, February, 1918.

No. 6940; February 1, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated January 31, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 2.6 cents per 100 pounds to apply on carload shipments of Logs, minimum carload weight 50,000 pounds, from Adams Center, N. Y., and Rices, N. Y., to Watertown, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 14 to P. S. C. N. Y. C. No. 121, effective February 8, 1918.

No. 6941; February 2, 1918:

Ordered: That all carriers by railroad subject to the jurisdiction of this Commission be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of February 10, 1918, tariff schedules containing changes in Demurrage Rules, Regulations, and Charges so as to provide, in accordance with Order No. 7 of the Director-General of Railroads, dated January 29, 1918, as follows:

"A. (1) Forty-eight hours (two days) free time for loading or unloading on all commodities.

(2) Twenty-four hours (one day) free time on cars held for any other purpose permitted by tariff.

B. That the average agreement rule be permitted, but that it apply solely to cars held for unloading.

C. That under the average rule the number of days on which debits accrue be made four instead of five.

D. That the demurrage charge on all cars, after the expiration of the free time allowed, be \$3 for each of the first four days, \$6 for each of the next three days, and \$10 for each succeeding day.

E. That the bunching rule be reinstated with the following change in paragraph 2:

Cars for unloading or reconsigning: When, as the result of the act or neglect of any carrier, cars originating at the same point or at intermediate points moving via the same route and destined for one consignee, at one point, are bunched at originating point, in transit, or at destination, and delivered by the carrier in accumulated numbers in excess of daily shipments, the consignee shall be allowed such free time as he would have been entitled to had the cars been delivered in accordance with the daily rate of shipment. Claim to be presented to carriers' agent within fifteen (15) days.

These changes will supersede those named in any existing tariffs applicable to carload freight, except:

1. Cars loaded with live stock.
2. Empty cars placed for loading coal at mines or mine sidings, or coke at coke ovens, and cars under load at mines or mine sidings or coke at coke ovens.
3. Foreign export freight awaiting ships at ports.
4. Coal for transshipment at tidewater or lake ports.
5. Empty private cars stored on railroad or private tracks, provided such cars have not been placed or tendered for loading on the order of a shipper; and specifically contemplate the cancellation of all conflicting provisions of existing tariffs."

And it appearing that uniformity of demurrage rules, regulations, charges, and practices of all carriers by railroad is both desirable and necessary to prevent undue discrimination and preference, it is

Ordered: That the rules, regulations, and charges set forth in the appendix to said order of the Director-General be and they are hereby included in this authority for filing by all carriers by railroad, but without approval by this Commission of any of said rules, regulations, or charges. And it is

Further Ordered: That the tariffs filed under authority of this order shall bear on title-pages thereof the following notation: "Issued on one day's notice to the public and the Commission under special permission of the Public Service Commission, Second District, State of New York, No. 6941, of date February 2, 1918."

This authority supersedes this Commission's special permissions Nos. 6915 (to steam railroads) dated January 10, 1918, and 6923 (to electric railroads) dated January 15, 1918; it does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that uniform charges and regulations as to intrastate and interstate traffic

may apply, the Interstate Commerce Commission in its Fifteenth Section Order No. 300, issued January 30, 1918, at the request of the Director-General of Railroads, having authorized, as to interstate traffic, the filing of said regulations and charges.

Completed by numerous tariff publications filed by carriers, effective February 10, 1918.

No. 6942; February 4, 1918; Greenwich and Johnsonville Railway Company:

Ordered: That under its application therefor dated February 2, 1918, the Greenwich and Johnsonville Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.05 per 2000 pounds to apply on carload shipments of Logs, minimum carload weight as per Official Classification, from New York state stations Battenville, Center Falls, East Greenwich, Greenwich, Middle Falls, Northumberland, Ondawa, South Cambridge, Thomson, Trionda, and West Cambridge, via Johnsonville, N. Y., and The Delaware and Hudson Company's railroad to Glens Falls, N. Y., and Hudson Falls, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 10 to P. S. C. No. 391, effective February 8, 1918.

No. 6943; February 5, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated February 4, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 9.5 cents per 100 pounds to apply on carload shipments of Pulpwood, minimum carload weight 40,000 pounds, from Niagara Falls, N. Y., to Piercefield, N. Y. This authority does not waive any of the requirements of the Commission's published regulations relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3574, effective February 11, 1918.

No. 6944; January 24, 1918; C. C. McCain, Joint Agent for Various Carriers:

Ordered: That under application therefor dated January 23, 1918, by C. C. McCain, joint agent, carriers be and they are hereby permitted, until further order, to file tariffs or supplements to tariffs, effective upon one day's notice to the public and the Commission, which shall provide for additional through routes for the through carriage of freight or passengers and the rates or fares applicable thereto, under lawful concurrences of participating carriers; and which shall provide for additional receiving or delivery points at stations and ports necessary to the operation of railroads as a national system of transportation, and the terms, rates, conditions, and absorptions incident thereto.

Further Ordered: That the provisions of this Commission's Circular No. 55, in Rules 9(e) and 33(a) be and they are hereby, until further ordered, temporarily waived as to, and confined in all cases to, supplements which contain no provisions other than the addition of new routes and the rates or fares applicable thereto, the addition of participating carriers and their concurrence numbers, and the addition of receiving and delivery points at stations or ports, and the terms, rates, conditions, and absorptions incident thereto, provided that there shall not be in effect at any time more than one such supplement to the same tariff; and provided further that no freight tariff consisting of less than five pages may be supplemented under authority of this paragraph.

Further Ordered: That the provisions contained in supplements herein authorized to be filed shall be reissued in the next issue of a regular supplement to the tariff so supplemented which shall specifically cancel the supplement from which such provisions are reissued.

Further Ordered: That each tariff or supplement filed under authority hereof shall bear on its title-page notation: "Issued on one day's notice to the public and the Commission under special permission of the Public Service Commission, Second District, State of New York, No. 6944, of date February 5, 1918."

This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as above stated; it is given in order that uniform charges and regulations as to intrastate and interstate traffic may apply, the Interstate Commerce Commission in its special permission No. 44844, of January 12, 1918, in harmony with General Order No. 1 of the Director-General of Railroads, dated December 29, 1917, having authorized, as to interstate traffic, the filing of similar schedules.

No. 6945; February 6, 1918, and February 7, 1918; Various Carriers:

Ordered: That under applications therefor dated February 6, 1918, and February 7, 1918, carriers subject to the jurisdiction of this Commission which are named in Fifteenth Section Order No. 303 of the Interstate Commerce Commission dated February 1, 1918, be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than February 10, 1918, but within thirty days from the date hereof, tariff schedules establishing therein the Demurrage Rules, Regulations, and Charges applicable on Coal and Coke for Transshipment by Vessel, set forth in exhibits attached to said applications, which exhibits are copies of said Fifteenth Section Order No. 303, issued by the Interstate Commerce Commission under date of February 1, 1918, at the request of the Director-General of Railroads, and are hereby made a part of this order.

This authority does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to New York intrastate traffic, and is given in order that uniform charges and regulations as to intrastate and interstate traffic may apply.

The Commission does not hereby approve any regulations or charges that may be filed and established under this authority, all such regulations or charges being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

Completed by tariff publications filed by various carriers, effective February 10, 1918.

No. 6946; February 7, 1918; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated February 6, 1918, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its local passenger tariff P. S. C., 2 N. Y., No. 201, and local and joint passenger tariff P. S. C., 2 N. Y., W. S. No. 90, establishing one-way and round-trip fares to apply from and to New York state stations on the West Shore railroad and New Windsor, N. Y., a new station on the West Shore railroad between Newburgh, N. Y., and Cornwall, N. Y., as set forth in said application, which application is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6947; February 11, 1918; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated February 8, 1918, The Pennsylvania Railroad Company be and is hereby authorized to file, on not

less than one day's notice to the public and the Commission and under an effective date of March 1, 1918, a supplement to its joint freight tariff G. O., P. S. C., 2 N. Y., No. 993, adding to said tariff the names of participating carriers and concurrence forms and numbers as follows: Middletown & Unionville R. R.; F3 No. 15; West Shore R. R. (N. Y. C. R. R., Lessee), F4 No. 25; New York, Ontario & Western Ry., F3 No. 43. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to G. O. P. S. C. No. 993, effective March 1, 1918.

No. 6948; February 13, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated February 11, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a tariff schedule establishing the following rates to apply on carload shipments of Logs, weight not to exceed marked capacity of car, from Raquette Lake (Raquette Lake railway), N. Y., to Pleasant Lake, N. Y.: \$18 per car when handled in company's equipment; \$17.55 per car when handled in private equipment; no mileage or per diem charges to be allowed on private equipment. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3578, effective February 20, 1918.

No. 6949; February 13, 1918; The Delaware and Hudson Company:

Ordered: That under its application therefor dated February 12, 1918, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3314, and establish therein rate of 11.6 cents per 100 pounds to apply on carload shipments of Printing and Wrapping Paper, as specified in said tariff, from Mechanicville, N. Y., via Albany, N. Y., and the West Shore railroad to Saugerties, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 7 to P. S. C. No. 3314, effective February 18, 1918.

No. 6950; February 13, 1918; The Long Island Railroad Company:

Ordered: That under its application therefor dated February 11, 1918, The Long Island Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its tariff of Car Demurrage Rules and Explanations, P. S. C., 2 N. Y., No. 445, correcting the cancellation notice shown on title-page of said tariff to show that it cancels P. S. C., 2 N. Y., No. 431, and that it is issued in lieu of P. S. C., 2 N. Y., No. 444, which was rejected by the Commission. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6951; February 18, 1918; Grasse River Railroad Corporation:

Ordered: That under its application therefor dated February 15, 1918, the Grasse River Railroad Corporation be and it is hereby authorized to file, on not less than one day's notice to the public and the Commission and effective February 20, 1918, tariff schedules under proper P. S. C., 2 N. Y., serial numbers: one, establishing the demurrage rules, regulations, and charges authorized by this Commission's special permission No. 6941, of February 2, 1918; the other, to cancel freight tariff P. S. C., 2 N. Y., No. 1, reissuing

same without change except to eliminate last paragraph on its title-page and establish reference to proposed tariff of demurrage rules, regulations, and charges. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. Nos. 3 and 4, effective February 20, 1918.

No. 6952; February 21, 1918; Rutland Railroad Company:

Ordered: That under its application therefor dated February 20, 1918, the Rutland Railroad Company be and it is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, new tariff schedules containing rules governing diversions in transit and reconsignments and stop-off privileges and charges, superseding its freight tariffs P. S. C., 2 N. Y., Nos. 804 and 807, and re-publishing and reestablishing rates, rules, and regulations previously contained in its tariffs P. S. C., 2 N. Y., Nos. 425 and 794. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that uniform charges and regulations may obtain as to state and interstate traffic, the Interstate Commerce Commission, in its special permission No. 45214 of date February 19, 1918, having authorized similar action as to interstate traffic.

Completed by P. S. C. Nos. 854 and 855, effective February 28, 1918.

No. 6953; February 21, 1918; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated February 20, 1918, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 10.5 cents per can to apply on shipments of Fluid Milk (to be pasteurized and re-shipped), in 40-quart cans, in lots of 30 cans or more, from Georgetown, N. Y., to Ballina, N. Y.; said rates not to include icing, but will include the free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1108, effective February 23, 1918.

No. 6954; February 23, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated February 20, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rates to apply on shipments of Fluid Milk, in 40-quart cans, from Goldens Bridge, N. Y., to Pawling, N. Y., as follows: Carloads, minimum 250 cans, 21.1 cents per can; less carloads, 24.2 cents per can; said rates not to include icing, but will include the free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3582, effective February 28, 1918.

No. 6955; February 27, 1918; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor dated February 26, 1918, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and effective not earlier than March 20, 1918, a supplement to its freight tariff P. S. C., 2 N. Y., No. 2831, superseding supplement No. 1

to said tariff, and correcting Rule 25 and Rule 26 rates applying from Delaware, Lackawanna and Western railroad stations Nos. 554 and 558, to New York, Ontario and Western railway stations Nos. 265 to 310 inclusive, to read 27 cents and 21½ cents per 100 pounds, respectively. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required, and is given for the purpose of correcting a clerical error in the issuance of supplement No. 1 to the aforesaid tariff.

Completed by supplement No. 2 to P. S. C. No. 2831, effective March 20, 1918.

[Case No. 3486]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Application of the NORWICH GAS AND ELECTRIC COMPANY for authority to merge with the Oxford Electric Light Company, to increase its capital stock, to issue bonds, and to exercise certain franchises, pursuant to the provisions of sections 68, 69, and 70 of the Public Service Commissions Law.

Second
amendatory
order.

Petition filed March 25, 1913; report of division of capitalization dated August 28, 1913; report of electrical engineer dated December 19, 1913; reports of gas engineer dated January 22 and February 14, 1914; first supplemental petition dated May 14, 1914; final report of division of capitalization dated June 26, 1914; second supplemental petition filed May 14, 1915; amendatory order entered June 3, 1915; third supplemental and amendatory petition filed January 15, 1918; report of division of capitalization dated January 31, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the authority contained in the orders entered herein under dates of September 9, 1914, and June 3, 1915, is hereby amended so as to authorize the Norwich Gas and Electric Company to issue \$80,000 face value of its 5 per cent 40-year second mortgage bonds, and \$38,500 par value of its capital stock, and the authorization in addition thereto to issue \$1500 par value of stock is hereby canceled.

2. That clause No. 3 of said amendatory order herein dated June 3, 1915, is hereby amended to read as follows:

3. That said stock and bonds of the par value of \$118,500 as authorized, or the proceeds thereof to the amount of \$118,500, shall be used solely and exclusively for the following purposes:

(a) To discharge unfunded debt outstanding December 31, 1912, as follows:

Bills payable	\$68,216.56	
Accounts payable	9,568.25	
Other unfunded debt.....	1,832.46	
		\$79,617.27

(b) To pay for extensions and improvements to its plant and equipment made or to be made since December 31, 1912, as follows:

<i>Electric Department:</i>	
1. General equipment	\$164.62
2. Power plant buildings.....	43.59
3. Furnaces, boilers, and accessories.....	5,060.67
4. Steam engines	5,215.86
5. Electric generators	160.99
6. Poles and fixtures.....	4,389.24
7. Distribution system	2,888.51
8. Electric services	3,187.89
9. Line transformers and devices.....	2,625.18
10. Electric meters	2,130.39
11. Municipal street lighting system.....	1,368.44
12. Electric tools and implements.....	12.25
13. Accessory electric power equipment.....	73.25
14. Transmission lines	2,283.37
Total electric department.....	\$29,604.22
<i>Gas Department:</i>	
15. General equipment	\$228.09
16. Works and station structures.....	1,251.31
17. Water gas sets and accessories.....	532.14
18. Accessory equipment at works.....	445.22
19. Trunk lines and mains.....	2,673.58
20. Gas services	1,904.94
21. Gas meters	3,102.92
22. Gas engines and appliances.....	93.00

23. Gas tools and implements.....	\$12.00	
24. Gas laboratory equipment.....	366.76	
	<u>\$10,610.01</u>	\$40,214.23
		<u>\$119,831.50</u>

Amount unprovided for..... \$1,331.50
 in so far as the same may be applicable, provided (1) that such stock and bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (b) hereof only in so far as the same is properly chargeable to fixed capital as defined in the Uniform Systems of Accounts for Gas and Electrical Corporations adopted by this Commission; (2) that there shall not be expended for any such purposes a sum in excess of the amount set opposite such purpose; (3) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction except in so far as the same shall not be performed by the regular employees and officers of the company; (4) that if there shall be required for any of the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of said amount over the actual cost thereof shall be used without the further order of the Commission.

3. That this case is hereby closed upon the records of the Commission, but without prejudice to the requirements of clause No. 14 of the original order herein dated September 9, 1914, which requirements shall remain in full force and effect.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the securities heretofore authorized and issued has been reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4485]

STATE OF NEW YORK,
 PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
 FRANK IRVINE,
 THOMAS F. FENNELL,
 Commissioners.

Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration in a crossing of the Rensselaer and Saratoga railroad (leased to and operated by The Delaware and Hudson Company) by state highway route No. 37-B, in the town of Ballston, Saratoga county.

Ordered: 1. That an accounting entered into by the State Commission of Highways with The Delaware and Hudson Company, showing expenditures to the amount of \$12,856.70, including interest to January 1, 1918, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$10,084.23 has been expended by the railroad corporation and the sum of \$2772.47 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$12,856.70 thus expended and herein accounted for, the amount chargeable to The Delaware and Hudson Company is the sum of \$6428.35; and the share of the State of New York is \$6428.35, upon which it is entitled to a credit in the sum of \$2772.47 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to The Delaware and Hudson Company from funds appropriated for the improvement of highways \$3655.88.

88 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5308]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to execute a first refunding and improvement mortgage, issue \$775,000 in 5 per cent 30-year gold bonds to be secured thereby, and to issue \$300,000 6 per cent cumulative preferred stock.

Amendatory
order.

Petition filed November 29, 1915; amended petition filed December 18, 1915; certificate of increase of capital stock and classification of such increase filed February 4, 1916; stipulation dated March 7, 1916; proposed form of mortgage marked "Final Draft" filed March 17, 1916; preliminary report of division of capitalization dated March 20, 1916; hearing held March 27, 1916; report of division of capitalization dated April 3, 1916; supplemental order dated August 16, 1916; second amended petition (letter) dated February 13, 1918; report of division of capitalization dated February 15, 1918. Now therefore, upon the foregoing record,

Ordered: That ordering clause No. 13 of the order previously entered herein under date of April 11, 1916, is hereby amended to read as follows:

"13. That the sum of \$675,054.37, the amount herein authorized to be debited to the account 'Unamortized Replacements and Depreciation Suspense' by means of the journal entries referred to in ordering clause No. 11 hereof, shall be amortized at the rate of \$7500 during each of the calendar years 1916, 1917, 1918, and 1919, by means of debits of such amount to the account 'Other Contractual Deductions from Income'; and the Binghamton Light, Heat and Power Company shall within thirty days after January 1, 1920, make application to this Commission for a determination among other things of the method, including the precise rate and amount, at which the company shall periodically thereafter amortize the Unamortized Replacements and Depreciation Suspense herein authorized to be set up."

[Case No. 6329]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54, Railroad Law, for consent to the discontinuance of its Mahopac Falls station as a passenger station.

This petition is under section 54 of the Railroad Law, for consent to the discontinuance of Mahopac Falls as a passenger station. This is the only passenger station on the Mahopac Falls branch except Baldwin Place at the other end of the branch. To permit the discontinuance of Mahopac Falls as a passenger station would be to permit the discontinuance of passenger

service on the Mahopac Falls branch. This matter has already been before the Commission at least seven times, and each time the Commission has ruled that it is the legal duty of the railroad to maintain some passenger service. The service now required is the irreducible minimum. The present application presents for consideration no facts not already fully disclosed by the records in preceding cases. A hearing, in order to reproduce the same evidence, would be useless. Upon the records, therefore, in the preceding cases, to wit No. 1272, *Agor v. The Mahopac Falls Railroad Company*, II P. S. C. 2nd Dist. Rep. 560; No. 1272, *Agor v. The Mahopac Falls Railroad Company*, III P. S. C. 2nd Dist. Rep. 46; No. 1272, *Agor v. The Mahopac Falls Railroad Company*, IV P. S. C. 2nd Dist. Rep. 151; No. 1272, *Agor v. The Mahopac Falls Railroad Company*, IV P. S. C. 2nd Dist. Rep. 617; No. 5337, *Agor v. The New York Central Railroad Company*, V P. S. C. 2nd Dist. Rep. 208; and especially the very recent order in case No. 5337, made September 27, 1917, it is

Ordered: That the petition herein be and the same hereby is dismissed.

[Case No. 3133]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition under section 90 of the Railroad Law of the CITY OF MOUNT VERNON for an order determining the manner in which an extension of North Fifth avenue in said city shall cross the New York, New Haven and Hartford railroad.

The Commission having by and under its order of November 13, 1912, determined that North Fifth avenue shall cross above the grade of the railroad in accordance with certain specifications therein set forth; and the work, after approval of plans, letting of contracts, etc., all as provided by statute, having been completed and finally approved by the Commission in its order duly made December 16, 1915; and the City of Mount Vernon and the railroad corporation having failed to enter into an accounting of expenses for the purpose of determining the shares of each, as shown by letter dated February 20th from Charles M. Sheafe, jr., counsel for The New York, New Haven and Hartford Railroad Company; now, therefore, it is

Ordered: That the proper authorities of the City of Mount Vernon shall enter into an accounting with The New York, New Haven and Hartford Railroad Company of the amounts expended by the respective parties to carry out the Commission's order herein, said accounting to be concluded not later than May 1, 1918.

An acceptance of this order shall be deemed as an understanding and agreement by the parties hereto forthwith to enter into such accounting as herein provided in order that their respective shares of the cost may be fixed and determined.

90 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6285]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHTE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Application of ROCHESTER RAILWAY AND LIGHT COMPANY under section 69, Public Service Commissions Law, for authority to issue \$4,000,000 in preferred capital stock.

Petition filed December 11, 1917; hearing held February 23, 1918; report of division of capitalization dated March 1, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Rochester Railway and Light Company is hereby authorized to issue \$2,000,000 par value of its 7 per cent cumulative preferred capital stock, series B, which may be sold at a price not less than the par value thereof to realize net proceeds of at least that amount.

2. That the proceeds of said stock, which shall not be less than \$2,000,000, shall be applied solely and exclusively toward the discharge of indebtedness outstanding at December 31, 1916, as detailed on page 5 of exhibit A attached to the petition herein, or their renewals, \$3,535,000.

3. That the Rochester Railway and Light Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the date of such sale; (c) to whom such stock was sold; (d) what proceeds were realized; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the stock herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and property of the petitioner herein shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary shall have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

5. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6288]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the LOCKPORT LIGHT, HEAT AND POWER COMPANY under sections 69 and 82 and 70 and 83, Public Service Commissions Law, for authority to issue \$150,000 in common capital stock proposed to be acquired by United Gas and Electric Company (of New Jersey).

Petition filed December 15, 1917; amended petition filed December 24, 1917; reports of division of capitalization dated January 10 and February 26, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated February 26, 1918, which on February 28, 1918, was sent to the corporation, such entries being listed on pages 14 and 15 thereof, shall be entered upon the books of the Lockport Light, Heat and Power Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Lockport Light, Heat and Power Company is hereby authorized to issue \$106,700 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least that amount.

3. That the proceeds of said stock, which shall not be less than \$106,700, shall be used solely and exclusively for the discharge of indebtedness outstanding at October 31, 1917, as follows, or the renewals thereof: Bills payable, \$56,758.25; accounts payable, \$50,000: \$106,758.25; amount unprovided for, \$58.25.

4. That the Lockport Light, Heat and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the date of such sale; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the stock herein authorized for each of the purposes specified herein. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

5. That the amortization programme ordered by the Commission in its order dated December 10, 1913, in case No. 2548, shall be followed for the \$26,224.41 which is to be charged to "Unamortized Depreciation Suspense," in accordance with journal entry No. 6, shown on page 15 of the final report herein dated February 26, 1918; and the duration of the period during which said amortization plan is to be operative is hereby continued until this additional amount shall have been written off.

6. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signa-

tures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

7. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway, and the construction of an undergrade crossing, in the city of Rochester.

Ordered: 1. That the first intermediate accounting entered into between The New York Central Railroad Company, the Buffalo, Rochester and Pittsburgh Railway Company, and the City of Rochester, all in accordance with an order of this Commission dated November 21, 1917, showing expenditures to the amount of \$9964.04, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$5580.45 has been expended by The New York Central Railroad Company, the sum of \$119.20 has been expended by the Buffalo, Rochester and Pittsburgh Railway Company, and the sum of \$4264.39 by the City of Rochester: said accounting having been accepted by the respective railroad corporations as indicated by the signatures of the treasurer of The New York Central Railroad Company and of the general manager of the Buffalo, Rochester and Pittsburgh Railway Company, and accepted by the City of Rochester as indicated by the signature of the assistant corporation counsel.

2. That of the total amount of \$9964.04 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is \$2989.21; the share of and the amount chargeable to the Buffalo, Rochester and Pittsburgh Railway Company is \$1992.81; the share of and the amount chargeable to the City of Rochester is \$2491.01; and the share of and the amount chargeable to the State of New York is \$2491.01, said last mentioned amount to be paid by the State to The New York Central Railroad Company and the City of Rochester in the respective amounts of \$1773.38 and \$717.63 from funds appropriated for the elimination of grade crossings.

(Case No. 5290]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the EDISON ELECTRIC
LIGHT AND POWER COMPANY OF AMSTERDAM, N. Y.,
under section 69 of the Public Service Commissions
Law for authority to issue \$327,000 common capital
stock, a first mortgage for \$1,500,000, and \$350,000
in 5 per cent bonds to be secured by said mortgage.

Petition filed November 9, 1915; certified copy of agreement of consolida-
tion of Edison Electric Light and Power Company of the City of Amsterdam,
N. Y., and the Amsterdam Arc Light Company filed November 20, 1915;
proposed form of mortgage filed February 7, 1916; report of division of
capitalization dated February 9, 1916; report of electrical engineer dated
February 25, 1916; final report of division of capitalization dated March 6,
1916; hearing held March 28, 1916; supplemental petition filed March 30,
1916; order entered April 4, 1916; supplemental order entered June 13,
1916; supplemental petition filed February 28, 1918; report of division of
capitalization dated March 8, 1918. Now therefore, upon the foregoing record,

Ordered: That clause 15 of the order herein dated April 4, 1916, is hereby
modified and amended in such manner as to extend the time in which the
Edison Electric Light and Power Company of Amsterdam, N. Y., shall make
application to the Commission regarding the method to be used in the reduc-
tion of its corporate deficit to September 1, 1918.

[Case No. 5863]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the POUGHKEEPSIE
CITY AND WAPPINGERS FALLS ELECTRIC RAILWAY
COMPANY under sections 62, 63, and 64, Stock Cor-
poration Law, and section 55, Public Service Com-
missions Law, as to increase of capital stock, and
issuing capital stock.

Petition filed January 9, 1917; report of division of capitalization dated
March 9, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Com-
mission without prejudice to the right of the petitioner herein to reopen the
same at any future date.

[Case No. 6069]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of Complaints of PAUL JUDSON, W. B. VAN ALSTYNE, GAGE BROTHERS, and GILES D. CLARK, of the town of Kinderhook, and ALFRED T. OGDEN of the town of Stuyvesant, Columbia county, AND OTHERS against VALATIE TELEPHONE COMPANY as to service.

A number of complaints against the service afforded by the respondent were consolidated; and a hearing was held at which it appeared that the complaints were justified, but that to improve the service required the opening of a new central station, the construction of a cable line, and various other improvements some of which the company had already undertaken and all of which it promised to carry out. The case was therefore adjourned from time to time awaiting results. The misrouteing of the cable and delays to transportation during the Winter, together with the impossibility of doing much outside work during the severe Winter, has delayed the improvements. At the final hearing held March 6th it appeared that the new station had been opened and the other improvements were well under way. The complainants who appeared personally or by letter expressed themselves satisfied with progress so far made and stated that they were willing that the case should be closed. It is therefore

Ordered: That the case be and the same hereby is closed on the records of the Commission without prejudice to later complaints upon similar grounds if the new service does not prove to be satisfactory.

[Case No. 6298]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of C. C. AHLES of Catskill against THE NEW YORK CENTRAL RAILROAD COMPANY asking that the price of commutation passenger tickets on the West Shore Railroad, lessor, between Catskill and Albany be reduced. Also, Complaint of company.

The complainant originally asked that the commutation rates of the respondent between Catskill and Albany be reduced to those prevailing upon the same line (West Shore Railroad) between New York and Haverstraw. This would mean a general readjustment of commutation rates throughout the State, placing them upon the same basis as the rates in New York city territory. The complainant afterward stated that he would be satisfied

if the time limit were extended to two months instead of the thirty days during which the present 54-trip ticket may be used; and he also contended that the Catskill-Albany rate was unjustly discriminatory. The whole matter has received a painstaking and thorough examination by the division of tariffs. The rate charged, \$14.70, is in accord with the schedule of commutation ticket rates in effect before the Public Service Commissions Law was enacted. These rates were constructed upon the basis of \$3 for a 60-trip ticket between points three miles apart, an additional rate of 10-12ths of a cent per mile for distances over three miles and not over seven miles, and additional rates of 9-12ths, 8-12ths, and 7-12ths of a cent per mile for greater distances. The 60-trip ticket must be used generally on Sundays and holidays in order to obtain its full benefit. The respondent issues a 54-trip ticket good for thirty days and this satisfied the ordinary demand of business travelers. No carrier within the State issues a commutation ticket good for more than one month except The Delaware and Hudson Company within certain districts: these are issued at an average rate of one cent per mile, while the Catskill commuters pay 85-100ths of a cent per mile. It is not found that any more favorable rates exist than those afforded the complainant except in and out of New York city and other large centers of population and business. Conditions are so dissimilar between this case and that of New York city, for example, that one rate can not be taken as any measure of the other. Thousands of commuters traveling daily on trains run expressly for that business afford no comparison with the case of Catskill where there are only four commuters who ride on regular trains. The peculiar conditions justifying extremely low rates to relieve congestion in the large cities have been recognized in other cases by this Commission and others. The tariffs here involved being in accordance with the long established tariffs of the respondent and other carriers disclosing no unjust discrimination, and their disturbance requiring a general readjustment of commutation tariffs in order to avoid creating unjust discriminations, it is

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 6309]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54 of the Railroad Law for consent to the discontinuance of the Pulvers station on the Hudson and Chatham branch of the Boston and Albany Railroad, lessor.

A petition having been duly filed with this Commission by The New York Central Railroad Company under section 54 of the Railroad Law, asking for authority to discontinue Pulvers station on the Hudson and Chatham branch of the Boston and Albany railroad, lessor, as a station for the reception and delivery of passengers and property; and the petition having come on to be heard before Commissioner Barhite in the city of Albany on the 20th day of February, 1918, at which time the petitioner appeared by its attorney, George H. Fernald, jr., esq.; property owners in the town of Ghent near Pulvers stations appeared by Cornelius Shufelt, esq., of Chatham, N. Y., as their attorney; and Elbert Miller, esq., of New York city, appeared in person; and Charles D. Vosburgh, esq., appeared as supervisor of the

Town of Ghent; and the attorney for the railroad having stated to the Commission that the railroad desired to discontinue said station as an agency station, but desired to retain the same so far as passengers are concerned as a flag stop and retain the switch at that point for the purpose of receiving and loading freight in carload lots; and it appearing from the evidence that the revenue from the station is far in excess of the expense of the maintenance of said station and paying the agent for his services; and that there is sufficient business to warrant the maintenance of said station as an agency station, it is

Ordered: That the application of The New York Central Railroad Company for permission to discontinue the station at Pulvers on the Hudson and Chatham branch of the Boston and Albany railroad, lessor, be and the same is hereby denied.

[Case No. 6316]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Abandonment or Proposed Abandonment of Operation of New York and Pennsylvania Railway.

Order to show cause.

An order to show cause having been heretofore and on the 10th day of January, 1918, issued by this Commission to the New York and Pennsylvania Railway Company, directing that company to show cause before this Commission at the office of the Commission in the city of Albany on January 16, 1918, why it should not continue to operate its railway in this State and resume operation if operation has ceased; and at the time and place named said railway company having appeared by Peter F. McAllister, esq., its attorney, and Fordyce A. Cobb, esq., its secretary; Genesee Chemical Company and Oswaya Chemical Company having appeared by Arthur L. Andrews, esq., their attorney; and the Canisteo Chamber of Commerce having appeared by Parson and McClung; the Albany Chemical Company having appeared by William T. Mayer, esq., its treasurer; and Wood Products Company having appeared by N. M. Pierce, esq., of Buffalo, New York, its vice-president; and T. F. Connelly, esq., of Bradford, Penna., having appeared in person; and it appearing from the evidence that for the past four years the road has been conducted at a loss to the stockholders; that there are no bonds outstanding but that a promissory note for the sum of \$500,000 given by said company is due and unpaid; and that the gross revenue from the railroad for the year ending June 30, 1914, was \$102,371.14, and that the gross operating expense for that year was \$105,497.01; and that the gross revenue for the year ending June 30, 1915, was \$97,702.46, and the gross operating expense for the same year was \$110,038.37; and that for the year ending June 30, 1916, the gross operating revenue was \$97,175, and the gross operating expense for the same year was \$101,505; and that for the year ending June 30, 1917, the gross revenue was \$100,043 and the gross operating expense was \$118,026; and that since the 30th day of June, 1917, the road has been operated at a loss of approximately \$2400 per month; and it further appearing that in addition to the promissory note for \$500,000 said road owes approximately \$70,000 at the banks and between \$15,000 and \$20,000 in open accounts, and that the road is not able to borrow any money; and

the Department of Railroad Administration of the United States Government having advised the president of said railway company that the Interstate Commerce Commission had reported that that portion of the line of said company in New York state should be abandoned, and said department having further advised the president of said company that the Government of the United States is not in a position to finance said road or to take possession and operate the same,

Ordered: That the New York and Pennsylvania Railway Company be and it is hereby authorized to discontinue all stations established by it within the State of New York for the reception or delivery of passengers or property, or both, and may discontinue its operations within the State of New York without objection from this Commission.

[Case No. 6338]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Extension of the Transmission
Lines of the Board of Lighting Commissioners of
the City of Jamestown into the village of Falconer,
without any franchises granted by the village and
without the permission of the Commission.

This is an order directing the Board of Lighting Commissioners of the City of Jamestown to show cause why it should not cease the construction of an electric plant and cease doing business as an electrical corporation within the territorial limits of the village of Falconer. It appeared upon the hearing that the Board of Lighting Commissioners of the City of Jamestown had constructed a line in the village of Falconer for the purpose of supplying power to one or more consumers, and that this was done without a franchise from the village and without consent of the Commission under a claim of right by statute which, in the opinion of the Commission, does not permit construction and operation except in accordance with the Public Service Commissions Law and the Transportation Corporations Law. Counsel for the Commission has been instructed to institute appropriate proceedings, and it is therefore

Ordered: That the present inquiry be and the same hereby is closed.

100 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5673]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of FRONTIER ELECTRIC RAILWAY COMPANY
as to its railway proposed to be constructed in and
between Buffalo and Niagara Falls crossing certain
streets and highways and creeks; also as to certain
franchises.

In the matter above entitled the original order of October 17, 1916, was suspended March 20, 1917, on its being made to appear in other proceedings that the Frontier Electric Railway was to be also operated as a steam railroad. After further consideration the Commission has determined to vacate its said suspension order of March 20, 1917, and to modify its order of October 17, 1916, by changing the paragraph under the caption "City of North Tonawanda," as it appears on pages 1 and 2 of said order as printed; and therefore it is

Ordered: 1. That with reference to the crossings in the city of North Tonawanda the Commission's order of October 17, 1916, is hereby changed and amended to read as follows:

City of North Tonawanda: Over Sweeney street by an overhead bridge carrying said railway over the street; over Tremont street by an overhead bridge carrying said railway over the street; over Goundry street by an overhead bridge carrying said railway over the street; over Christiana street by an overhead bridge carrying said railway over the street; over Schenck street by an overhead bridge carrying said railway over the street; over Ransom street by an overhead bridge carrying said railway over the street; over Robinson street by an overhead bridge carrying said railway over the street; over Wheatfield street by an overhead bridge carrying said railway over the street; over the grades of Payne avenue, Linwood avenue, Fredericka street, East Felton street, Jackson avenue, Stenzel street, and Ward road by bridges carrying said railway over said streets; at grade the Witmer road and over the present grades of any other streets or alleged streets proposed to be crossed by this railway between Wheatfield street and Ward road, including 14th, 15th, 16th, 17th, 18th, and 19th avenues, providing, however, that said railway company shall not be compelled to construct crossings at such alleged streets, including 14th, 15th, 16th, 17th, 18th, and 19th avenues, until determination in reference thereto shall be made by the Commission upon further application either by the railway company or the City of North Tonawanda.

2. That this order is made upon the condition and understanding that the Frontier Electric Railway Company shall upon the request of any proper officer, board, or commission, and upon the determination of the Public Service Commission, carry out the terms of a certain stipulation dated March 1, 1918, and filed with this Commission, made by the Frontier Electric Railway Company and the International Railway Company, which said stipulation is in the following words:

It is stipulated and agreed by the undersigned International Railway Company and the undersigned Frontier Electric Railway Company that upon the issuance of an order in above case No. 5834, granting consent of the Public Service Commission to the acquisition by The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company of all the issued and outstanding capital stock of Frontier Electric Railway Company, and in consideration thereof and of the benefits to be derived by the undersigned from the consummation of the improvement of the River road (state route No. 30) in the village of LaSalle, New York, said International Railway Company and Frontier Electric Railway Company will cooperate in carrying out the plan for the amelioration of the existing conditions caused by railroad crossings at grade in the Military Road and Main street in said village of LaSalle, and for that purpose do agree to and with the State of New York, that whenever in the improvement of the River road in the village of LaSalle (state route No. 30), the State Highway Commission shall construct a highway or bypass connecting the portions of the River road in said village south of the track of The New York Central Railroad Company between Military Road and Main street in said village, then and in that event said Frontier

- Electric Railway Company and said International Railway Company will jointly contribute and pay twelve thousand dollars (\$12,000) toward the cost and expense of such highway and bypass at such time or times as they may be called upon to pay said amount during or upon completion of such work, by the officer, board, or commission in charge thereof, but said International Railway Company and said Frontier Electric Railway Company shall not be further obligated in respect of the work of constructing said bypass.

3. That this order is granted upon the condition that the Frontier Electric Railway Company, its successors and assigns, will do, carry out, fulfill, and perform all of the conditions set forth in the permissions granted by the City of Buffalo to said company to cross any of the streets of said city.

4. That the order of this Commission made on the 17th day of October, 1916, in case No. 5673, granted upon petition of Frontier Electric Railway Company as to its railway proposed to be constructed in and between Buffalo and Niagara Falls crossing certain streets and highways and creeks, also as to certain franchises, is hereby ratified and confirmed, and shall remain in full force and effect except as said order is amended, changed, or supplemented by the terms of this order.

5. That the Frontier Electric Railway Company shall within twenty days after the service upon it of a copy of this order notify the Commission whether the terms of this order are accepted and will be obeyed.

6. That the order of March 20, 1917, suspending the order of October 17, 1916, is hereby vacated and annulled.

[Case No. 5834]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Joint Petition of THE PENNSYLVANIA RAILROAD COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY under subdivision 2, section 54, Public Service Commissions Law, for consent to acquire jointly or severally capital stock of the Frontier Electric Railway Company.

Petition filed December 22, 1916; hearings held January 15 and February 6, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company are hereby authorized to acquire and hold, jointly or severally, the entire outstanding capital stock of the Frontier Electric Railway Company, consisting of 250 shares, each of the par value of \$100, aggregating a par value of \$25,000, provided however that the cost to them shall be the par value thereof.

2. That the petitioners herein shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing what stock of the Frontier Electric Railway Company has been so acquired, the dates of such acquisition, and the actual cost of such stock. Such reports shall continue to be filed until the petitioners herein shall have acquired all of the stock of the Frontier Electric Railway Company which they are herein authorized to acquire, and if during any period no such stock was acquired the report shall set forth such fact.

100 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5673]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of FRONTIER ELECTRIC RAILWAY COMPANY as to its railway proposed to be constructed in and between Buffalo and Niagara Falls crossing certain streets and highways and creeks; also as to certain franchises.

In the matter above entitled the original order of October 17, 1916, was suspended March 20, 1917, on its being made to appear in other proceedings that the Frontier Electric Railway was to be also operated as a steam railroad. After further consideration the Commission has determined to vacate its said suspension order of March 20, 1917, and to modify its order of October 17, 1916, by changing the paragraph under the caption "City of North Tonawanda," as it appears on pages 1 and 2 of said order as printed; and therefore it is

Ordered: 1. That with reference to the crossings in the city of North Tonawanda the Commission's order of October 17, 1916, is hereby changed and amended to read as follows:

City of North Tonawanda: Over Sweeney street by an overhead bridge carrying said railway over the street; over Tremont street by an overhead bridge carrying said railway over the street; over Goundry street by an overhead bridge carrying said railway over the street; over Christiana street by an overhead bridge carrying said railway over the street; over Schenck street by an overhead bridge carrying said railway over the street; over Ransom street by an overhead bridge carrying said railway over the street; over Robinson street by an overhead bridge carrying said railway over the street; over Wheatfield street by an overhead bridge carrying said railway over the street; over the grades of Payne avenue, Linwood avenue, Fredericka street, East Felton street, Jackson avenue, Stenzel street, and Ward road by bridges carrying said railway over said streets; at grade the Witmer road and over the present grades of any other streets or alleged streets proposed to be crossed by this railway between Wheatfield street and Ward road, including 14th, 15th, 16th, 17th, 18th, and 19th avenues, providing, however, that said railway company shall not be compelled to construct crossings at such alleged streets, including 14th, 15th, 16th, 17th, 18th, and 19th avenues, until determination in reference thereto shall be made by the Commission upon further application either by the railway company or the City of North Tonawanda.

2. That this order is made upon the condition and understanding that the Frontier Electric Railway Company shall upon the request of any proper officer, board, or commission, and upon the determination of the Public Service Commission, carry out the terms of a certain stipulation dated March 1, 1918, and filed with this Commission, made by the Frontier Electric Railway Company and the International Railway Company, which said stipulation is in the following words:

It is stipulated and agreed by the undersigned International Railway Company and the undersigned Frontier Electric Railway Company that upon the issuance of an order in above case No. 5834, granting consent of the Public Service Commission to the acquisition by The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company of all the issued and outstanding capital stock of Frontier Electric Railway Company, and in consideration thereof and of the benefits to be derived by the undersigned from the consummation of the improvement of the River road (state route No. 30) in the village of LaSalle, New York, said International Railway Company and Frontier Electric Railway Company will cooperate in carrying out the plan for the amelioration of the existing conditions caused by railroad crossings at grade in the Military Road and Main street in said village of LaSalle, and for that purpose do agree to and with the State of New York, that whenever in the improvement of the River road in the village of LaSalle (state route No. 30), the State Highway Commission shall construct a highway or bypass connecting the portions of the River road in said village south of the track of The New York Central Railroad Company between Military Road and Main street in said village, then and in that event said Frontier

- Electric Railway Company and said International Railway Company will jointly contribute and pay twelve thousand dollars (\$12,000) toward the cost and expense of such highway and bypass at such time or times as they may be called upon to pay said amount during or upon completion of such work, by the officer, board, or commission in charge thereof, but said International Railway Company and said Frontier Electric Railway Company shall not be further obligated in respect of the work of constructing said bypass.

3. That this order is granted upon the condition that the Frontier Electric Railway Company, its successors and assigns, will do, carry out, fulfill, and perform all of the conditions set forth in the permissions granted by the City of Buffalo to said company to cross any of the streets of said city.

4. That the order of this Commission made on the 17th day of October, 1916, in case No. 5673, granted upon petition of Frontier Electric Railway Company as to its railway proposed to be constructed in and between Buffalo and Niagara Falls crossing certain streets and highways and creeks, also as to certain franchises, is hereby ratified and confirmed, and shall remain in full force and effect except as said order is amended, changed, or supplemented by the terms of this order.

5. That the Frontier Electric Railway Company shall within twenty days after the service upon it of a copy of this order notify the Commission whether the terms of this order are accepted and will be obeyed.

6. That the order of March 20, 1917, suspending the order of October 17, 1916, is hereby vacated and annulled.

[Case No. 5834]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Joint Petition of THE PENNSYLVANIA RAILROAD COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY under subdivision 2, section 54, Public Service Commissions Law, for consent to acquire jointly or severally capital stock of the Frontier Electric Railway Company.

Petition filed December 22, 1916; hearings held January 15 and February 6, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company are hereby authorized to acquire and hold, jointly or severally, the entire outstanding capital stock of the Frontier Electric Railway Company, consisting of 250 shares, each of the par value of \$100, aggregating a par value of \$25,000, provided however that the cost to them shall be the par value thereof.

2. That the petitioners herein shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing what stock of the Frontier Electric Railway Company has been so acquired, the dates of such acquisition, and the actual cost of such stock. Such reports shall continue to be filed until the petitioners herein shall have acquired all of the stock of the Frontier Electric Railway Company which they are herein authorized to acquire, and if during any period no such stock was acquired the report shall set forth such fact.

3. That the authority contained in this order is granted pursuant to the provisions of a stipulation filed herein under date of February 5, 1917, which provided (a) that The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company shall not ask for any increase in the capital stock of, nor to issue any bonds of, the Frontier Electric Railway Company under the authority contained in any order heretofore entered by the former Board of Railroad Commissioners, and more particularly in an order entered by said Board of Railroad Commissioners on December 5, 1906, in case No. 3811; and (b) that said The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company shall submit to the authority of this Commission as to any issues of stocks or bonds which may hereafter be required to be issued for the construction of the road of the Frontier Electric Railway Company.

4. That the authority contained in this order is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and within thirty days of the service hereof the said companies shall file with the Commission satisfactory, verified stipulations over the signatures of their presidents and secretaries accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as last above provided.

[Case No. 5915]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Application for the revocation of certificate heretofore issued to the FRONTIER ELECTRIC RAILWAY COMPANY that public convenience and a necessity required the construction of its railroad.

The Erie Railroad Company having heretofore and on the 6th day of February, 1917, filed its petition asking this Commission, pursuant to section 10 of the Railroad Law, to revoke the certificate of public convenience and a necessity granted to the Frontier Electric Railway Company by the Board of Railroad Commissioners on the 14th day of November, 1906, under section 59 of the Railroad Law as then in force; and the Frontier Electric Railway Company having at a later date made answer to the petition of the Erie Railroad Company; and the application having come on to be heard by this Commission on the 15th day of March, 1917, at the city of Buffalo, N. Y., at which time the Erie Railroad Company appeared by Messrs. H. A. Taylor and S. F. Carr its attorneys; the Frontier Electric Railway Company by Messrs. Cohn and Baumhofer its attorneys; The Delaware, Lackawanna and Western Railroad Company by Louis L. Babcock, esq., its attorney; The Pennsylvania Railroad Company by Frank Rumsey, esq., its attorney, and by J. G. Rodgers, esq., its superintendent; Bertron, Griscom & Company by E. G. Connette, esq.; the City of Tonawanda by Seward H. Millener, esq., city attorney; the City of Niagara Falls by H. A. Constantine, esq., deputy corporation counsel; the Chamber of Commerce of the Tonawandas by Dow Vroman, esq.; the Board of Trade of Niagara Falls by George M. Tuttle, esq.; the City of North Tonawanda by James B. Lindsey, esq., city attorney; the Village of LaSalle by Fred Brooks, esq., its president; and the City of Buffalo, New York, by J. J. Hurley, esq., assistant corporation counsel; and the case having been adjourned from time to time; and evidence both

in favor of and against the prayer of the petition having been presented; and during a portion of said hearings the State Department of Highways having been represented by F. A. Hermans, esq., bridge engineer; and The New York Central Railroad Company having thereafter and on the 21st day of May, 1917, filed a petition asking that it might be heard on the question of revoking the certificate theretofore issued to the Frontier Electric Railway Company; and the Frontier Electric Railway Company having joined issue by filing a petition on the 21st day of May, 1917, asking that The New York Central Railroad Company be not heard on the ground of laches on the part of the latter named company; and the objection of the Frontier Electric Railway Company having been overruled and said company having thereafter filed its answer, verified the 2nd day of June, 1917; and a hearing having been had upon the petition of The New York Central Railroad Company and the answer thereto in the city of Albany on the 6th day of June, 1917, at which time The New York Central Railroad Company was represented by Maurice C. Spratt, esq., its attorney, and D. B. Fleming, esq., superintendent; the Frontier Electric Railway Company by Messrs. Cohn and Bogue; The Pennsylvania Railroad Company by Messrs. Rumsey and Adams; the Erie Railroad Company by H. A. Taylor, esq.; The Delaware, Lackawanna and Western Railroad Company by Douglas Swift, esq.; the Chamber of Commerce of Tonawanda by Dow Vroman, esq.; and the State Department of Highways by Joseph Donnelly, assistant engineer; and after evidence had been taken the hearing having been adjourned until June 18, 1917, at which time further evidence was received; and it appearing that the times within which the Frontier Electric Railway Company was required by law to begin construction of its road and to complete the same had several times been extended by statute; and that said periods of time had not and have not at the time of the granting of this order expired; and it further appearing that the certificate of public convenience and a necessity granted to the Frontier Electric Railway Company by the Board of Railroad Commissioners on the 14th day of November, 1906, was properly and lawfully granted, it is

Ordered: That the applications of the Erie Railroad Company and of The New York Central Railroad Company to revoke the certificate of public convenience and a necessity granted to the Frontier Electric Railway Company by the Board of Railroad Commissioners on the 14th day of November, 1906, be and the same and each of them is hereby denied, and this case is hereby closed on the books of the Commission.

[Case No. 6030]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHTE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of the SHELTER ISLAND BOARD OF TRADE against THE LONG ISLAND RAILROAD COMPANY as to increase in price of 10-, 20-, and 30-trip tickets.

This complaint is in the form of a protest against rates and service afforded by the respondent on the eastern part of its main line. Hearings were held followed by conferences between representatives of the complainant and the sitting Commissioner at which it was agreed, that in view of the demands being made upon the respondent for military transportation the

matter should not be pressed while such conditions continued. The Commission is now in receipt of a letter from the secretary of the respondent stating that the complaint may be dismissed for the duration of the war. It is therefore

Ordered: That the complaint be and the same hereby is dismissed, without prejudice however to another complaint on the same grounds whenever in the opinion of the complainant changed conditions shall warrant.

[Case No. 6299]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of H. D. LANDERS of Pulteney. Steuben county, *against* FEDERAL TELEPHONE & TELEGRAPH COMPANY as to increase in rate and as to service.

The above entitled proceeding having come on to be heard before Commissioner Barhite at the office of the Commission in the city of Buffalo, New York, on the 15th day of March, 1918, at which time no one appeared on behalf of the complainant, and the respondent appeared by Messrs. Kenefick, Cooke, Mitchell and Bass, its attorneys; and it appearing that the complainant was not a subscriber to the telephone of the respondent at the time he filed his complaint, it is

Ordered: That the complaint in the above entitled proceeding be dismissed and the case closed on the books of the Commission.

[Case No. 6325]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of MILK PRODUCERS IN NIAGARA COUNTY *against* THE NEW YORK CENTRAL RAILROAD COMPANY (Rome, Watertown and Ogdensburg Railroad Company) as to empty milk cans not being returned to the proper stations.

The above entitled proceeding having come on to be heard before Commissioner Barhite at the office of the Commission in the city of Buffalo, New York, on the 15th day of March, 1918, at which time the complainants appeared by W. E. Wass, esq., of Barker, New York, and the respondent appeared by Messrs. Locke, Babcock, Spratt and Hollister; and the statement having been made to the Commission that the matters in controversy

in this proceeding had been adjusted between the parties since the filing of the complaint and that no hearing was necessary, it is

Ordered: That the complaint in the above entitled action be and the same is hereby dismissed and the case closed on the books of the Commission.

[Case No. 6330]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK LEVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Alteration of Highway Grade Crossings of the International Railway at Payne avenue, Linwood avenue, Fredericka street, East Felton street, Jackson avenue, Stenzel street, Ward road, and any and all other alleged streets or roads between Payne avenue and Witmer road, in the city of North Tonawanda.

In the order of this Commission duly made and entered on the 13th day of January, 1916, in the matter of the petition of the International Railway Company as to the manner in which a double track extension of its electric railroad between the cities of Buffalo and Niagara Falls shall cross certain streets and highways, etc., it is, among other things, determined that in the city of North Tonawanda said International railway shall cross at grade the following streets: Payne avenue, Linwood avenue, Fredericka street, East Felton street, Jackson avenue, Stenzel street, Ward road, Witmer road, and any other and alleged streets north of Wheatfield street to the city line, including 16th street, 17th street, 18th street, and 19th street. It is further determined (paragraph "c" of said order of January 13, 1916) "That if at any time after the date of this order proceedings shall be instituted in the manner provided by law for the change or alteration of any of the crossings made at grade by the petitioner herein or its successors, then and in that event the petitioner and its successors shall be bound by the provisions of the laws of the State of New York relative to the change or alteration of grade crossings, and shall pay the same proportion of the cost of the work as would be paid by a steam surface railroad under like conditions, and shall not claim in any such proceedings any exemption from the obligations which it or they may be required to assume under the provisions of this order; nor shall any claim be made by the petitioner or its successors in any of the proceedings contemplated in this paragraph that it or they are exempt from the provisions of this order relative to grade crossings because of the fact that it is a street surface railroad, it being the intent hereof that proceedings to alter or change any of the crossings referred to may be made in accordance with the statutes relating to the altering or changing of similar crossings involving a steam surface railroad, and that the petitioner and its successors shall be bound by such proceedings in all respects." By virtue of the foregoing provision of the order last above mentioned, the Commission, on January 22, 1918, ordered that the International Railway Company, the City of North Tonawanda, and all persons interested show cause why it [the Commission] should not proceed to alter all and each of said grade crossings between Wheatfield street and Witmer road, including the crossings heretofore mentioned at Payne avenue, Linwood avenue, Fredericka street, East Felton street, Jackson street, Stenzel street, Ward road, and any and all other streets and alleged streets in the city of North Tonawanda.

Upon this order a hearing was held in the city of Buffalo on February 7, 1918, Messrs. E. G. Connette, Morris Cohn, jr., H. C. Riexinger, and M. M. Oille appearing for the International Railway Company; James P. Lindsay and C. L. Oelkers for the City of North Tonawanda; E. P. Lovejoy, F. C. Butler, A. M. Everhart, and B. A. Lewis for the Chamber of Commerce of the Tonawandas; and several interested property owners either by counsel or in person; at which time due proof of publication of the notice of the hearing and of personal service of such notice upon all of the interested property owners was filed. At this hearing a map was submitted in evidence and marked "Respondent's Ex. No. 1," said map, which is untitled and undated, being now on file with this Commission. Upon it is shown the profile of the railroad as it exists at the present time, and a revised profile bearing the following description: Beginning at station 375 plus 80.55, at a point about 3020 feet south of Payne avenue, and continuing thence level a distance of about 2070 feet; thence ascending toward the north at the rate of two-tenths per cent a distance of about 750 feet; thence level a distance of about 350 feet; thence continuing to ascend toward the north at the rate of 0.0465 per cent a distance of about 2150 feet; thence level about 1850 feet; thence descending at the rate of 0.7 per cent a distance of about 1571 feet; thence descending at the rate of 0.5 per cent a distance of 800 feet; thence descending about 357 feet on a 0.7 per cent grade to join the surface of the tracks as they exist at the present time a short distance south of the Witmer road crossing. The profile thus described will carry the grade of the railroad over the grade of Payne avenue, Linwood avenue, Fredericka street, Jackson avenue, East Felton street, Stenzel street, and Ward road, at such elevation as to provide at least 13 feet clear headroom from the surface of the street to the lowest portions of the bridge structures over these streets; and similarly, a headroom of 13 feet over any other streets or alleged streets crossing between Wheatfield street and Ward road, providing such streets are constructed upon or approximately upon the surface of the surrounding country as it exists at the present time.

The City of North Tonawanda also desired that structures should be provided over 15th avenue, 16th avenue, 17th avenue, 18th avenue, and 19th avenue (herein previously referred to as streets), these avenues being not now open nor in use by the public. Upon objection by the railway company, the City of North Tonawanda, as shown by resolution duly adopted by its common council at a meeting held on February 21, 1918, a certified copy of said resolution being on file with this Commission, finally requested this Commission "to reserve the matter of the crossings at 14th, 15th, 16th, 17th, 18th, and 19th avenues in this city, until such time as the Frontier Railway Company begins construction of its road, and that when such construction is commenced, further application as to these crossings be made to the Public Service Commission and the method of such crossings be then determined." After due consideration the Commission has finally determined that the grade crossings of all existing streets north of Wheatfield street to the Witmer road, but not including the latter, shall be changed from grade; and therefore hereby

Orders: 1. That the streets hereinafter mentioned in this paragraph shall be carried under a revised grade of the International Railway, beginning at a point about 3020 feet south of Payne avenue, and continuing from said point northerly substantially as shown on blueprint plan "Respondent's Ex. No. 1," hereinbefore referred to; the crossings of said streets, to wit Payne avenue, Linwood avenue, Fredericka street, Jackson avenue, East Felton street, Stenzel street, and Ward road, shall be of the full widths of the respective streets, and of such dimensions as to provide a clearance of a minimum of 13 feet without necessitating a revision or a substantial revision of the street surfaces as they now exist.

2. That this Commission now determines nothing in respect of the crossings at 14th avenue, 15th avenue, 16th avenue, 17th avenue, 18th avenue, and 19th avenue; in accordance with the request of the City of North Tonawanda, the determination of the manner of crossing of said avenues to be reserved pending the construction of the Frontier Electric Railway, and

the filing of a petition by the duly authorized authorities of said City of North Tonawanda or by the railway company for a determination as to how said streets and any other and alleged streets between Wheatfield street and Witmer road shall cross the tracks of said International Railway Company.

3. That all bridges herein provided for, except at Payne avenue, where at the option of the railroad a bridge of truss design may be provided, shall be of plate girder construction supported by masonry abutments with faces located upon street lines.

4. That the said existing crossings at grade between Wheatfield street and Witmer road may remain at grade until and in the event of the construction of the Frontier Electric Railway (a railway proposed to be built immediately adjacent to the International Railway), and that upon the construction of said last mentioned [Frontier] railway the International Railway Company shall proceed with the elimination of the grade crossings in the manner and under the terms as herein provided.

5. That under section 94 of the Railroad Law, the cost of the work herein ordered and provided for and made necessary on the part of the International Railway Company, including the cost of all lands, rights, or easements necessary or required, and of any land or other damages whatsoever which may arise by virtue thereof, and any and all costs of construction and expenses incidental thereto, shall be properly chargeable to the project and be payable and be paid as follows: 50 per cent by the International Railway Company, 25 per cent by the City of North Tonawanda, and 25 per cent by the State of New York.

6. That this order is made upon the condition and understanding that the International Railway Company shall upon the request of any proper officer, board, or commission, and upon the determination of the Public Service Commission, carry out the terms of a certain stipulation dated March 1, 1918, and filed with this Commission, made by said International Railway Company and the Frontier Electric Railway Company, which said stipulation is in the following words:

Before the Public Service Commission of the Second District of the State of New York.

In the Matter of the application of The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company to acquire all of the issued and outstanding capital stock of Frontier Electric Railway Company, amounting to twenty-five thousand dollars. [Case No. 5834.]

Petition of Frontier Electric Railway Company in the matter of its railway proposed to be constructed in and between Buffalo and Niagara Falls crossing certain streets and highways and creeks; also as to certain franchises. [Case No. 5673.]

It is stipulated and agreed by the undersigned International Railway Company and the undersigned Frontier Electric Railway Company, that upon the issuance of an order in above case No. 5834, granting consent of the Public Service Commission to the acquisition by The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company of all the issued and outstanding capital stock of Frontier Electric Railway Company, and in consideration thereof and of the benefits to be derived by the undersigned from the consummation of the improvement of the River road (state route No. 80) in the village of LaSalle, New York, said International Railway Company and Frontier Electric Railway Company will cooperate in carrying out the plan for the amelioration of the existing conditions caused by railroad crossings at grade in the Military Road and Main street in said village of LaSalle, and for that purpose do agree to, and with the State of New York, that whenever in the improvement of the River road in the village of LaSalle (state route No. 80), the State Highway Commission shall construct a highway or bypass connecting the portions of the River road in said village south of the tracks of The New York Central Railroad Company between Military Road and Main street in said village, then and in that event said Frontier Electric Railway Company and said International Railway Company will jointly contribute and pay twelve thousand dollars (\$12,000) toward the cost and expense of such highway and bypass at such time or times as they may be called upon to pay said amount during or upon completion of such work, by the officer, board, or commission in charge thereof; but said International Railway Company and said Frontier Electric Railway Company shall not be further obligated in respect of the work of constructing said bypass.

Dated March 1, 1918.

[SEAL]

INTERNATIONAL RAILWAY COMPANY,
By E. G. CONNETTE, *President*.

Attest: GEO. W. WILSON, *Secretary*.

[SEAL]

FRONTIER ELECTRIC RAILWAY COMPANY,
By COHN, CHORMANN & FRANCHOT, *Attorneys*.

Attest: SAMUEL ELLIS, *Secretary*.

7. That the order of this Commission made on the 13th day of January, 1916, in case No. 5342, granted upon the petition of International Railway Company as to proposed extension of its railroad between Buffalo and Niagara Falls crossing certain streets and highways, and as to said extension crossing railroads, also as to certain franchises, is hereby ratified and confirmed, and shall remain in full force and effect except as said order is amended, changed, or supplemented by the terms of this order.

8. That the International Railway Company shall within twenty days after the service upon it of a copy of this order notify the Commission whether the terms of this order are accepted and will be obeyed.

[Case No. 6375]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the NORTHERN NEW YORK UTILITIES, INC., under section 69, Public Service Commissions Law, for authority to issue \$480,000 in bonds under an existing mortgage, \$144,000 first preferred capital stock, and \$79,200 common capital stock.

Petition filed March 6, 1918; report of division of light, heat, and power dated March 9, 1918; report of division of capitalization dated March 12, 1918; hearing held March 18, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Northern New York Utilities, Inc., is hereby authorized to issue \$480,000 face value of its 5 per cent 50-year first and refunding mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated July 1, 1913, given to the Northern New York Trust Company (Columbia Trust Company, successor) as trustee, and supplement thereto dated March 11, 1915, to secure an authorized issue of bonds of a total face value of \$10,000,000.

2. That the Northern New York Utilities, Inc., is hereby authorized to issue \$223,200 par value of its capital stock, \$144,000 of which shall be classified as 7 per cent cumulative first preferred capital stock and \$79,200 as common capital stock, which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$223,200.

3. That said bonds of the total face value of \$480,000 may be sold for not less than 80 per cent of their face value to realize net proceeds of at least \$384,000.

4. That the proceeds of said securities so authorized, which shall not be less than \$607,200, shall be used solely and exclusively for the following purposes:

(a) To build a new dam, canal, and power house, and install the necessary equipment therein to produce 5000 hp. (with provision for the installation of equipment for 2500 hp. more, making a total of 7500 hp.) at its plant at Black River, N. Y.....	\$500,000
(b) To install one 1800 hp. wheel, with generator, switchboard apparatus, transformers, penstock, headgates and racks, and appurtenances at its plant at Emley Falls on the Beaver river....	100,000
(c) To cover the cost of issuing and selling the capital stock authorized herein	7,200
	<hr/> \$607,200

in so far as the same may be applicable, provided (1) that the proceeds of such securities shall be applied toward the costs of the above only in so far as such costs effect real increases in the fixed capital of the petitioner as defined by the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering service shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the total amount of proceeds realized from the sale of stocks and bonds herein authorized to be issued, the remainder of such proceeds shall not be used for any other purpose without the further order of this Commission; (4) that the estimated costs contained herein are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual costs of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable costs of such property and work, the actual costs of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Northern New York Utilities, Inc., unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Northern New York Utilities, Inc., shall for each six months, period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what securities have been sold during such period; (b) the dates of such sales; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the securities herein authorized for each of the purposes specified herein and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That as bonds herein authorized to be issued are sold the petitioner shall charge to an account to be called "Suspense to be Amortized" an amount equal to one-half of the discount incurred thereupon, and shall thereafter amortize the amount so charged by crediting that account and charging "Other Contractual Deductions from Income" in equal annual instalments during the ten years commencing January 1, 1918, provided that the said company may amortize the said sum more rapidly than herein provided if it so desires.

8. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in

good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5892]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the NIAGARA FALLS GAS AND ELECTRIC LIGHT COMPANY under section 69, Public Service Commissions Law, for authority to make a mortgage for \$800,000 and to issue now \$800,000 in bonds to be secured by said mortgage.

Amendatory
order.

Petition filed February 6, 1917; supplemental petition filed March 29, 1917; form of proposed mortgage filed April 25, 1917; report of division of capitalization dated May 22, 1917; report of division of light, heat, and power dated July 10, 1917; revised form of proposed mortgage filed October 27, 1917; final report of division of capitalization dated November 3, 1917; order entered November 8, 1917; second revised form of mortgage filed March 21, 1918; report of division of capitalization dated March 21, 1918. Now therefore, upon the foregoing record,

Ordered: That clause No. 2 of the order herein dated November 8, 1917, is hereby amended by the substitution therefor of the following:

2. That the Niagara Falls Gas and Electric Light Company is hereby authorized to execute and deliver to The Equitable Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property dated July 1, 1917, to secure an issue of first refunding mortgage thirty-year gold bonds to the aggregate amount of \$5,000,000 face value, bearing interest at the rate of 5 per cent per annum, a copy of which indenture in amended form has been filed with the Commission herein on March 21, 1918, and that the form thereof so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

[Case No. 5934]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the FROST GAS COMPANY under section 70, Public Service Commissions Law, for authority to acquire all of the issued capital stock of The Alden-Batavia Natural Gas Company, The Akron Natural Gas Company, The Attica Natural Gas Company, Ontario Gas Company, The North Buffalo Natural Gas Fuel Company, and 4342 shares of the capital stock of Niagara Light, Heat and Power Company.

Petition filed February 28, 1917; hearing held April 11, 1917; reports of division of capitalization dated December 11, 1917, and March 11, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Frost Gas Company is hereby authorized to acquire and hold the entire outstanding issues of capital stock of the following corporations at costs to it of not more than the amounts shown below:

<i>Company</i>	<i>Par Value Outstanding</i>	<i>Cost</i>
(a) The Alden-Batavia Natural Gas Company.....	\$300,000.00	\$1,092,289.69
(b) The Akron Natural Gas Company.....	195,400.00	435,706.25
(c) The Attica Natural Gas Company.....	10,000.00	29,162.87
(d) Ontario Gas Company.....	200,000.00	431,977.17
(e) The North Buffalo Natural Gas Fuel Company..	10,000.00	11,282.25

upon the following terms and conditions: (a) that as the purchase prices allowed herein for the stocks of the various companies named are predicated upon the statements of the assets and liabilities of those companies as of August 31, 1917, reported by the Commission's division of capitalization, it can only be paid if the assets of those companies exceed their liabilities upon the dates of the acquisition of the stock by the Frost Gas Company by at least the same amounts; (b) that the Frost Gas Company in accepting this order agrees that it will not at any time carry upon its books as an asset the capital stocks of the companies named in this order at higher values than those then indicated for them by correct statements of the excess of the assets of those companies over their liabilities.

2. That the Frost Gas Company is hereby authorized to acquire and hold 4342 shares, each of the par value of \$50, aggregating a par value of \$217,100, of the outstanding capital stock of the Niagara Light, Heat and Power Company, at a total cost to it of not more than \$1.

3. That the Frost Gas Company shall for each six months, period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stocks have been acquired during such period; (b) the date of such acquisition; (c) from whom such stocks were acquired; (d) the amount and nature of the consideration paid for the same; (e) any other terms and conditions of such acquisition. Such reports shall continue to be filed until the stocks of the corporations named in this order shall have been acquired in accordance with the authority contained herein, and if during any period no such stocks were acquired the report shall set forth such fact.

4. That the authority contained in this order to acquire stock is upon the express condition that the petitioner accepts and agrees to comply in

good faith with the provisions hereof; and before any stocks are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

[Case No. 6072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of Carriers for relief from the provisions of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917, with respect to the establishment of advanced rates on sundry commodities.

Section 36,
order No. 4.

Upon petition of the carriers operating within the jurisdiction of this Commission filed March 19, 1918, by the New York Central lines (W. S. Kallman, assistant freight traffic manager), it appearing to the Commission that the convenience of the carriers, the public, and the Commission will be better served by granting the relief prayed for in said petition, the Interstate Commerce Commission in its order of March 12, 1918, having vacated and set aside as of March 25, 1918, its order of suspension as to interstate rates in its Investigation and Suspension Docket No. 1125, Eastern Commodity Case, it is

Ordered: That in those instances in which carriers are permitted under this Commission's special permission No. 6973 of March 20, 1918, to file, on not less than one day's notice to the public and the Commission and not earlier than March 25, 1918, schedules providing for the cancellation of postponement supplements heretofore issued under authority of this Commission's special permission No. 6891 dated December 24, 1917, and establish the increased rates contained in said schedules which are now under postponement until June 30, 1918, the said carriers, until further ordered, be and they are hereby authorized to establish such increased rates applicable to sundry commodities in New York state traffic without observing the requirements of section 36 of the Public Service Commissions Laws as amended by act approved June 9, 1917.

The Commission does not hereby approve any rates that may be filed under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

[Case No. 6072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of Carriers for relief from the provisions of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917, with respect to the establishment of increased rates on live stock and fresh or dressed meats.

Section 36,
order No. 5.

Upon petition of the carriers operating within the jurisdiction of this Commission filed March 19, 1918, by the New York Central lines (W. S. Kallman, assistant freight traffic manager), it appearing to the Commission that the convenience of the carriers, the public, and the Commission will be better served by granting the relief prayed for in said petition, the Interstate Commerce Commission in its order of March 12, 1918, having vacated and set aside as of March 25, 1918, its order of suspension as to interstate rates in its Investigation and Suspension Docket No. 1124, Eastern Live Stock Fresh Meat Case, it is

Ordered: That in those instances in which carriers are permitted under this Commission's special permission No. 6974 of March 20, 1918, to file, on not less than one day's notice to the public and the Commission and not earlier than March 25, 1918, schedules providing for the cancellation of postponement supplements heretofore issued under authority of this Commission's special permission No. 6917 of date January 11, 1918, and establish the increased rates contained in said schedules which are now under postponement until June 30, 1918, the said carriers, until further ordered, be and they are hereby authorized to establish such increased rates applicable to live stock and fresh or dressed meats in New York state traffic without observing the requirements of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917.

The Commission does not hereby approve any rates that may be filed under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

[Case No. 6072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of Carriers for relief from the provisions of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917, with respect to the establishment of increased rates on various commodities.

Section 36,
order No. 6.

Upon petition of the carriers operating within the jurisdiction of this Commission filed March 21, 1918, by the New York Central lines (W. S.

Kallman, assistant freight traffic manager), it appearing to the Commission that the convenience of the carriers, the public, and the Commission will be better served by granting the relief prayed for in said petition, the Interstate Commerce Commission, in its order of March 12, 1918 (No. 57 *ex parte*, the Fifteen Per Cent Case), having authorized carriers to establish commodity rates which shall be approximately fifteen per cent higher than the rates on similar commodities now in effect (except as noted), it is

Ordered: That in those instances in which carriers are permitted under this Commission's special permission No. 6978 of date March 20, 1918, to file tariffs or supplements to tariffs effective on not less than five days' notice to the public and the Commission providing for increased commodity rates on various commodities in New York state traffic, which increases shall, except as noted, approximate fifteen per cent subject to the observance of established rate groupings, relationships, and differentials as prescribed in the Interstate Commerce Commission's order of March 12, 1918 (No. 57 *ex parte*, the Fifteen Per Cent Case), the said carriers, until further ordered, be and they are hereby authorized to establish the said increased rates without observing the requirements of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917, to the extent that any of the increased rates involved may be less for a longer than for a shorter haul over the same line or route in the same direction and to the extent that any of such rates may be greater than the aggregate of intermediate rates over the same line or route in the same direction.

The Commission does not hereby approve any rates that may be filed under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

[Case No. 6344]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of CONSOLIDATED ELECTRIC COMPANY (of Greenwich, Washington county) under section 68, Public Service Commissions Law, for permission to construct an electric plant in a portion of the town of Northumberland, Saratoga county, and for approval of a franchise therefor.

This is an application for approval of the exercise of a franchise and permission to construct an electric plant in the town of Northumberland, Saratoga county. Due notice was given, under the rule, of the application and no protest was received. A public hearing was set at the office of the Commission in the city of Albany March 20, 1918, at which no one appeared in opposition and no one appeared on behalf of the applicant, and the case was taken under consideration upon the papers. The petition is verified and supported by the proper exhibits. It appears the franchise was procured to validate construction performed sometime in the past as well as to permit extensions. The company now operates in certain towns and villages in Washington and Saratoga counties. The franchise so far as is material is as follows: "To construct, erect, maintain, and operate poles, towers, and supports, and to string and maintain suitable wires and other conductors thereon as may be necessary for the proper operation of the said transmission line or

lines in, over, across, and along the streets and highways of said town of Northumberland where the same are now used and occupied by the company's electric transmission lines, and in addition thereto and particularly the highway leading from the Northumberland bridge to and through the hamlet of Bacon Hill, to and along the road leading from Bacon Hill to the hamlet of Grangerville, to town line, and in, over, across, and along such other streets and highways in said town as it may be necessary in the future to extend the said electric transmission line or lines." It is determined and stated that the construction of said electric plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Consolidated Electric Company (of Greenwich, Washington county), under section 68 of the Public Service Commissions Law, to construct an electric plant in a portion of the town of Northumberland, Saratoga county, in accordance with the terms and provisions of the franchise aforesaid.

2. That the permission and approval of the Commission be given to said Consolidated Electric Company to exercise the rights and privileges conferred by said franchise, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Cases Nos. 6345, 6346]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of Complaints of H. ALDEN NICHOLS of Spencerport and MARTIN R. WATERMAN of Brockport against BUFFALO, LOCKPORT AND ROCHESTER RAILWAY COMPANY as to proposed increase in commutation passenger fares on said company's railroad, and on the Commission's own initiative.

In these complaints and on its own initiative this Commission by order dated February 20, 1918, suspended until and including April 30, 1918, unless otherwise ordered by the Commission, a schedule of Buffalo, Lockport and Rochester Railway Company entitled "Supplement No. 6 to P. S. C., 2 N. Y., No. 226," proposed to take effect March 1, 1918, said supplement increasing the passenger 50-trip regular and school commutation ticket book rate on this company's railroad from approximately 1 cent to 1½ cents a mile. The company has filed a petition for leave to withdraw the suspended supplement and both complainants named above have consented to such withdrawal. It is therefore

Ordered: 1. That the matter of the complaints of H. A. Nichols of Spencerport and Martin R. Waterman of Brockport (cases Nos. 6345 and 6346) against Buffalo, Lockport and Rochester Railway Company as to proposed increases in commutation passenger fares on said company's railroad are hereby closed on the records of the Commission as satisfied.

Ordered: 2. That the Buffalo, Lockport and Rochester Railway Company be and it is hereby permitted to file, on not less than one day's notice to the public and the Commission and under an effective date not later than April 15, 1918, a supplement to its tariff P. S. C., 2 N. Y., No. 226, canceling supplements Nos. 6 and 7 thereto, and providing that until otherwise modified by tariff schedules lawfully established the rates, fares, and regulations

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contained in tariff P. S. C., 2 N. Y., No. 226 and supplement No. 5 thereto will be in effect.

Ordered: 3. That the order of this Commission of February 20, 1918, suspending until April 30, 1918, unless otherwise ordered by the Commission, schedule of Buffalo, Lockport and Rochester Railway Company entitled "Supplement No. 6 to P. S. C., 2 N. Y., No. 226," is hereby vacated and set aside as of the date when the Buffalo, Lockport and Rochester Railway Company's schedule filed under the authority of the preceding section shall become effective.

[Case No. 6347]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of RESIDENTS OF DELAN-
SON AND STATIONS BETWEEN THERE AND SCHENECTADY
against THE DELAWARE AND HUDSON COMPANY as
to passenger trains being late.

In this matter the company answered that as a general thing the trains in question run on time, but the period covered by the complaint was that during and immediately following a very severe storm which began on February 4th and which was particularly bad on the Schenectady branch; a copy of this answer was served on representative of complainants who replied, alleging in some detail that the storms were not entirely responsible for the delays, but also stating "We hope the improvement recently noted will continue, and feel that your efforts in our behalf have not been in vain." Representative of complainants being asked if a hearing was desired, informed the Commission that it was not; therefore it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

[Case No. 6349]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the SOUTH SHORE
NATURAL GAS AND FUEL COMPANY under section 68,
Public Service Commissions Law, for permission to
construct a natural gas plant in the incorporated
village of Mayville, Chautauqua county, and in the
town of Chautauqua, Chautauqua county.

The South Shore Natural Gas and Fuel Company having, pursuant to section 68 of the Public Service Commissions Law, applied to the Commission for its permission and approval to exercise the privileges and franchises granted to it by the Town of Chautauqua, Chautauqua county, New York, and

by the Village of Mayville, Chautauqua county, New York; and the case having come on to be heard before Commissioner Barhite at the office of the Commission in the city of Buffalo, New York, on the 15th day of March, 1918, at which time the petitioner appeared by H. C. Minard, esq., its counsel, and the State Department of Highways by H. F. Brumm, esq., assistant engineer; and due proof of the due publication of the pendency of this application and of service of notice of this hearing having been made and filed; and the Commission after due hearing having determined that the exercise of the rights, privileges, and franchises granted to it by the Town of Chautauqua and the Village of Mayville are necessary and convenient for the public service, it is

Ordered: That the permission and approval of this Commission be and the same are hereby granted to the South Shore Natural Gas and Fuel Company to exercise the rights and privileges granted to it by the Town Superintendent of the Town of Chautauqua, Chautauqua county, New York, on the 21st day of July, 1913, and by the president and board of trustees of the Village of Mayville, Chautauqua county, New York, on the 13th day of August, 1913.

The approval of said franchises is not a determination nor does it imply a determination that the rates mentioned therein are just or reasonable, or that they are not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York.

Said company shall not enter upon or construct any works in or upon any state or county highway except upon the approval of and under such conditions and regulations as may be prescribed by the State Department of Highways.

[Case No. 6104]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the HUDSON POWER CORPORATION under sections 68 and 69, Public Service Commissions Law, for permission to construct an electric plant, and authority to issue common and preferred capital stock, a mortgage, bonds to be secured by the mortgage, and notes.

Petition filed June 26, 1917; report of division of light, heat, and power dated July 12, 1917; hearing held March 20, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Hudson Power Corporation is hereby authorized to issue \$15,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least that amount.

2. That the Albany Southern Railroad Company, Central Hudson Gas and Electric Company, and Kingston Gas and Electric Company are each authorized to acquire and hold \$5000 par value of the common capital stock of the Hudson Power Corporation herein authorized to be issued.

3. That the proceeds of said stock so authorized, which shall not be less than \$15,000, shall be used solely and exclusively for working capital.

4. That the Hudson Power Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the

end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sales; (e) the use made of such proceeds during such period. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds used the report shall set forth such fact.

5. That the authority contained in this order to issue stock is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and before any stock is sold pursuant hereto and within thirty days of the service hereof the petitioners shall advise the Commission whether or not they accept the same with all its terms and conditions, and such order shall be of no force or effect until such acceptances have been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6234]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of M. D. CURTISS
against ELMIRA WATER, LIGHT AND RAILROAD COM-
PANY as to charge for service pipe for gas.

Upon the facts found and for the reasons stated in the accompanying Opinion it is

Ordered: 1. That the Elmira Water, Light and Railroad Company desist from its practice of requiring gas consumers to pay the cost of installing gas services from main to curb, including the cost of curb-box.

2. That it amend, within twenty (20) days of the service of a copy of this order, its tariff regulations by canceling the following provision: "The company will install, at the expense of the applicant, the service pipe from the gas main to the meter connection inside of the cellar wall," and by substituting therefor an appropriate regulation providing that the applicant shall bear the expense of installing the service only from the curb-box to the meter connection.

3. That the respondent notify the Commission within ten (10) days after the service of this order as to its acceptance thereof.

[Case No. 6260]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of LOCKPORT LIGHT, HEAT AND POWER COMPANY for permission to revise its rates for gas.

This matter having been duly heard and investigated by the Commission, and it having been decided that the petitioner should be permitted to increase its rates for gas, it is

Ordered: 1. That the maximum prices to be charged by the petitioner for gas furnished to its customers in the city of Lockport shall be as set forth in the following schedules, which rates the Commission now determines to be just and reasonable; such rates to continue in force for a period of six months from the date hereof, and thereafter until the Commission, upon its own motion or upon complaint, shall fix higher or lower maximum prices to be thereafter charged: *lighting and fuel: rate (gross):* first 3 M at \$1.35 per M cu.ft.; next 7 M at \$1.20 per M cu.ft.; over 10 M at \$.90 per M cu.ft.; *prompt payment discount* 10 cents per M cu.ft.; *minimum charge:* 50 cents per month; *wholesale industrial rate: fixed charge (gross):* \$62.50 per month, plus; *quantity charge (net):* first 1000 M at \$.60 per M cu.ft.; excess 1000 at \$.55 per M cu.ft.; *prompt payment discount:* 20 per cent on fixed charge only; *minimum charge:* none other than fixed charge.

Ordered: 2. That the said Lockport Light, Heat and Power Company is hereby given permission to file, in accordance with the provisions of section 66 of the Public Service Commissions Law and the rules of this Commission, schedules establishing the rates approved by this order, which rates the petitioner is authorized to make effective as of this date. Provided that such schedules shall be filed with this Commission within 10 days from the date hereof and shall bear the following notation, to wit: "Issued on less than statutory notice under order of the Public Service Commission, Second District, of the State of New York, dated March 26, 1918, in case No. 6260."

Ordered: 3. That in accordance with the stipulation made at the hearing of March 23, 1918, this determination and order is made subject to the right of the City of Lockport to submit further evidence and argument to this Commission at any time prior to April 25, 1918, and subject to the right of this Commission, upon receipt of such additional evidence and argument, to vacate or amend this order and take such further action as may appear proper.

Ordered: 4. That the petitioner shall notify this Commission on or before April 6, 1918, whether the terms of this order are accepted by it and will in all respects be obeyed.

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[Case No. 6009]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the **GENESEE LIGHT AND POWER COMPANY** under section 69, Public Service Commissions Law, for authority to issue \$35,000 in common capital stock.

Petition filed May 5, 1917; report of division of capitalization dated September 28, 1917; reports of division of light, heat and power dated November 10, 1917, and January 30 and February 19, 1918; amended petition filed March 21, 1918; final report of division of capitalization dated March 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated March 25, 1918, which on March 26, 1918, was sent to the corporation, such entries being listed on pages 13 and 14 thereof, shall be entered upon the books of the Genesee Light and Power Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Genesee Light and Power Company is hereby authorized to issue \$41,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least that amount.

3. That the proceeds of said stock so authorized, which shall not be less than \$41,000, shall be used solely and exclusively for the following purpose: for the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the period from January 1, 1913, to December 31, 1916, inclusive, not obtained from this issue of stock, bonds, notes, or other evidence of indebtedness of such corporation, \$41,633.95: amount unprovided for, \$633.95.

4. That the Genesee Light and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) the amount of stock proceeds so used during such period. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or proceeds used the report shall set forth such fact.

5. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

6. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been

approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6355]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the GENEVA-PENN YAN TRANSPORTATION COMPANY, INC., under section 55, Public Service Commissions Law, for authority to issue \$3000 common capital stock *nunc pro tunc* March 10, 1917.

Petition filed February 25, 1918; report of division of capitalization dated March 22, 1918. Now therefore, upon the foregoing record,

Ordered: That the issuance by the Geneva-Penn Yan Transportation Company, Inc., of \$3000 par value of its common capital stock and the sale thereof at par on March 4, 1917, and the use of the proceeds realized therefrom for the following purposes: purchase of two Studebaker automobile buses \$2740; for working capital \$260; is hereby authorized *nunc pro tunc*.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the stock herein authorized *nunc pro tunc* was reasonably required for the purposes specified in this order, and that such purposes were not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6375]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the NORTHERN NEW YORK UTILITIES, INC., under section 69, Public Service Commissions Law, for authority to issue \$480,000 in bonds under an existing mortgage, \$144,000 first preferred capital stock, and \$79,200 common capital stock.

Superseding
order.

Petition filed March 6, 1918; report of division of light, heat, and power dated March 9, 1918; report of division of capitalization dated March 12, 1918; hearing held March 18, 1918; order entered March 19, 1918; report of division of capitalization dated March 27, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Northern New York Utilities, Inc., is hereby authorized to issue \$480,000 face value of its 5 per cent 50-year first and refunding mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated July 1, 1913, given to the Northern New York Trust Company (Columbia Trust Company, successor) as trustee, and supplement thereto dated March 11, 1915, to secure an authorized issue of bonds of a total face value of \$10,000,000.

2. That the Northern New York Utilities, Inc., is hereby authorized to issue \$192,000 par value of its capital stock, \$128,000 of which shall be classified as 7 per cent cumulative first preferred capital stock and \$64,000 as common capital stock, which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$192,000.

3. That said bonds of the total face value of \$480,000 may be sold for not less than 85 per cent of their face value to realize net proceeds of at least \$408,000.

4. That the proceeds of said securities so authorized, which shall not be less than \$600,000, shall be used solely and exclusively for the following purposes:

(a) To build a new dam, canal, and power house and install the necessary equipment therein to produce 5000 hp. (with provision for the installation of equipment for 2500 hp. more, making a total of 7500 hp.) at its plant at Black River, N. Y.....	\$500,000
(b) To install one 1800-hp. wheel, with generator, switchboard apparatus, transformers, penstock, headgates and racks, and appurtenances at its plant at Effley Falls on the Beaver river....	100,000
	<hr/> \$600,000

in so far as the same may be applicable, provided (1) that the proceeds of such securities shall be applied toward the costs of the above only in so far as such costs effect real increases in the fixed capital of the petitioner as defined by the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the total amount of proceeds realized from the sale of stocks and bonds herein authorized to be issued, the remainder of such proceeds shall not be used for any other purpose without the further order of this Commission; (4) that the estimated costs contained herein are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual costs of the property and work to be acquired and done and thus properly chargeable to fixed capital but are intended and shall be construed only to be a present estimate of the probable costs of such property and work, the actual costs of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Northern New York Utilities, Inc., unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Northern New York Utilities, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what securities have been sold during such period; (b) the dates of such sales; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the securities herein authorized for each of the purposes specified herein, and

the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That as bonds herein authorized to be issued are sold, the petitioner shall charge to, an account to be called "Suspense to be Amortized" an amount equal to one-third of the discount incurred thereupon, and shall thereafter amortize the amount so charged by crediting that account and charging "Other Contractual Deductions from Income" in equal annual instalments during the ten years commencing January 1, 1918, provided that the said company may amortize the said sum more rapidly than herein provided if it so desires.

8. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6376]

STATE OF NEW YORK

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHTE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the GROTON ELECTRIC POWER CORPORATION under section 69, Public Service Commissions Law, for authority to issue \$20,000 common capital stock.

Petition filed March 6, 1918; report of division of light, heat, and power dated March 19, 1918; report of division of capitalization dated March 20, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Groton Electric Power Corporation is hereby authorized to issue \$20,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least that amount.

2. That the proceeds of said stock so authorized, which shall not be less than \$20,000, shall be used solely and exclusively for the following purposes:

(a) For the construction of a proposed transmission line as detailed in exhibit A of the petition.....	\$17,013.04
(b) For working capital.....	2,986.96
	<hr/> \$20,000.00

in so far as the same may be applicable, provided (1) that the proceeds of such stock shall be applied toward the cost of such new construction summarized in subdivision (a) hereof only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined by the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such stock over the actual costs thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit A of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

3. That the Groton Electric Power Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) with respect to subdivision (a) of clause No. 2 of this order there shall be shown (1) in detail the amount expended during such period of the proceeds of the stock herein authorized for each of the purposes specified in said exhibit A, and the accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have been charged; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period; (g) with respect to subdivision (b) of clause No. 2 of this order there shall be shown the amount of stock proceeds used during such period. In reporting under sections (2) and (3) of subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended the report shall set forth such fact.

4. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6378]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHTE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of NATHAN LEVITCH and ROBERT JACOB of New York city, operating Fleetwood Garage, against NEW YORK TELEPHONE COMPANY, asking that a coin-box public telephone be installed in the garage.

After this complaint was served on the company, a letter was received from Robert Jacob, one of the complainants, as follows: "In consideration of the fact that the New York Telephone Company has agreed to place a coin-box public telephone in my garage at 167th street and Webster avenue, on a trial basis for six months, I wish to withdraw my complaint to your honorable body." Therefore it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

[Case No. 6400]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHTE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the ROCKLAND LIGHT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$170,000 in bonds under an existing mortgage, and \$300,000 in common capital stock.

Petition filed March 22, 1918; report of division of capitalization dated March 26, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Rockland Light and Power Company is hereby authorized to issue \$300,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least that amount.

2. That the proceeds of said stock so authorized, which shall not be less than \$300,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of first mortgage bonds of the former Nyack Gas Light and Fuel Company which mature on April 1, 1918.....	\$45,000.00
(b) For the purchase of \$80,000 par value of improvement gold notes of the Rockland Electric Company of Closter, N. J.....	80,000.00

2. That the proceeds of said stock so authorized, which shall not be less than \$20,000, shall be used solely and exclusively for the following purposes:

(a) For the construction of a proposed transmission line as detailed in exhibit A of the petition.....	\$17,013.04
(b) For working capital.....	2,986.96
	<hr/>
	\$20,000.00

in so far as the same may be applicable, provided (1) that the proceeds of such stock shall be applied toward the cost of such new construction summarized in subdivision (a) hereof only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined by the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such stock over the actual costs thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit A of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

3. That the Groton Electric Power Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) with respect to subdivision (a) of clause No. 2 of this order there shall be shown (1) in detail the amount expended during such period of the proceeds of the stock herein authorized for each of the purposes specified in said exhibit A, and the accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have been charged; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period; (g) with respect to subdivision (b) of clause No. 2 of this order there shall be shown the amount of stock proceeds used during such period. In reporting under sections (2) and (3) of subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended the report shall set forth such fact.

4. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended and used in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended or used the report shall set forth such fact.

4. That the Rockland Light and Power Company shall charge to an account to be called "Suspense to be Amortized" the cost of selling the stock herein authorized to be issued, and shall thereafter amortize the amount so charged by crediting that account and charging "Other Contractual Deductions from Income" in equal annual instalments during the five years commencing January 1, 1918, provided that the said company may amortize the said sum more rapidly than herein provided if it so desires.

5. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the petitioner herein shall have been concluded and the corrections, if any, which by reason of such examination this Commission shall determine to be proper and necessary shall have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of such accounting determination and compliance with any subsequent direction or order of the Commission relating thereto.

6. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Special Permission Tariffs, March, 1918.

No. 6956; March 1, 1918; Bush Terminal Railroad Company:

Ordered: That under its application therefor dated February 26, 1918, the Bush Terminal Railroad Company be and it is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule canceling its tariff P. S. C., 2 N. Y., No. 6, and reissuing said tariff without change except to establish Demurrage Rules, Regulations, and Charges authorized by this Commission's special permission No. 6941 of February 2, 1918, copy of which is attached hereto and is made a part hereof except in so far as the said special permission No. 6941 may be in conflict with the authority herein granted.

Completed by P. S. C. No. 7, effective March 13, 1918.

No. 6941; February 2, 1918:

Ordered: That all carriers by railroad subject to the jurisdiction of this Commission be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of February 10, 1918, tariff schedules containing changes in Demurrage Rules, Regulations, and Charges so as to provide, in accord with Order No. 7 of the Director-General of Railroads, dated January 29, 1918, as follows:

"A. (1) Forty-eight hours (two days) free time for loading or unloading on all commodities.

(2) Twenty-four hours (one day) free time on cars held for any other purpose permitted by tariff.

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(c) To be applied toward the discharge of notes payable outstanding at December 31, 1917, as detailed in schedule S of the petition, or the renewals thereof.....	\$175,000.00
(d) To be applied toward the cost of additions and betterments to the plant and property of the petitioner as detailed in schedule 1-2....	280,826.06
(e) For the reimbursement of the treasury of the petitioner for moneys temporarily expended since November 30, 1915, on account of the actual cash cost of first mortgage bonds of the Rockland Electric Company of New York.....	6,705.00
(f) For underwriting and for commissions and expenses in connection with advertising and sale of the stock herein authorized to be issued, provided that proceeds may only be used for this purpose for such stock as may be sold within six months from the date of this order	10,000.00
	<hr/> \$547,531.06

Amount unprovided for..... \$247,531.06

in so far as the same may be applicable, provided (1) that the proceeds of such stock shall be applied toward the cost of such new construction summarized in subdivision (d) hereof only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined by the Uniform Systems of Accounts for Electrical and Gas Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such stock over the amounts so required shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in schedule 1-2 of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical and Gas Corporations.

3. That the Rockland Light and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) with respect to subdivisions (a), (b), (c), and (f) of clause No. 2 of this order there shall be shown in detail the amount used therefor during such period of the proceeds of the stock herein authorized; (g) with respect to subdivision (d) of clause No. 2 of this order there shall be shown (1) in detail the amount expended during such period of the proceeds of the stock herein authorized for each of the purposes specified in said schedule 1-2, and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period; (h) with respect to subdivision (e) of clause No. 2 of this order there shall be shown the amount of stock proceeds used therefor during such period. In reporting under sections 2 and 3 of subdivision (g) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed

capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended and used in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended or used the report shall set forth such fact.

4. That the Rockland Light and Power Company shall charge to an account to be called "Suspense to be Amortized" the cost of selling the stock herein authorized to be issued, and shall thereafter amortize the amount so charged by crediting that account and charging "Other Contractual Deductions from Income" in equal annual instalments during the five years commencing January 1, 1918, provided that the said company may amortize the said sum more rapidly than herein provided if it so desires.

5. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the petitioner herein shall have been concluded and the corrections, if any, which by reason of such examination this Commission shall determine to be proper and necessary shall have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of such accounting determination and compliance with any subsequent direction or order of the Commission relating thereto.

6. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Special Permission Tariffs, March, 1918.

No. 6956; March 1, 1918; Bush Terminal Railroad Company:

Ordered: That under its application therefor dated February 26, 1918, the Bush Terminal Railroad Company be and it is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule canceling its tariff P. S. C., 2 N. Y., No. 6, and reissuing said tariff without change except to establish Demurrage Rules, Regulations, and Charges authorized by this Commission's special permission No. 6941 of February 2, 1918, copy of which is attached hereto and is made a part hereof except in so far as the said special permission No. 6941 may be in conflict with the authority herein granted.

Completed by P. S. C. No. 7, effective March 13, 1918.

No. 6941; February 2, 1918:

Ordered: That all carriers by railroad subject to the jurisdiction of this Commission be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of February 10, 1918, tariff schedules containing changes in Demurrage Rules, Regulations, and Charges so as to provide, in accord with Order No. 7 of the Director-General of Railroads, dated January 29, 1918, as follows:

"A. (1) Forty-eight hours (two days) free time for loading or unloading on all commodities.

(2) Twenty-four hours (one day) free time on cars held for any other purpose permitted by tariff.

B. That the average agreement rule be permitted, but that it apply solely to cars held for unloading.

C. That under the average rule the number of days on which debits accrue be made four instead of five.

D. That the demurrage charge on all cars, after the expiration of the free time allowed, be \$3 for each of the first four days, \$6 for each of the next three days, and \$10 for each succeeding day.

E. That the bunching rule be reinstated with the following change in paragraph 2:

Cars for unloading or reconsigning: When, as the result of the act or neglect of any carrier, cars originating at the same point or at intermediate points moving via the same route and destined for one consignee, at one point, are bunched at originating point, in transit, or at destination, and delivered by the carrier in accumulated numbers in excess of daily shipments, the consignee shall be allowed such free time as he would have been entitled to had the cars been delivered in accordance with the daily rate of shipment. Claim to be presented to carriers' agent within fifteen (15) days.

These changes will supersede those named in any existing tariffs applicable to carload freight, except:

1. Cars loaded with live stock.
2. Empty cars placed for loading coal at mines or mine sidings, or coke at coke ovens, and cars under load at mines or mine sidings or coke at coke ovens.
3. Foreign export freight awaiting ships at ports.
4. Coal for transshipment at tidewater or lake ports.
5. Empty private cars stored on railroad or private tracks, provided such cars have not been placed or tendered for loading on the order of a shipper; and specifically contemplate the cancellation of all conflicting provisions of existing tariffs."

And it appearing that uniformity of demurrage rules, regulations, charges, and practices of all carriers by railroad is both desirable and necessary to prevent undue discrimination and preference, it is

Ordered: That the rules, regulations, and charges set forth in the appendix to said order of the Director-General be and they are hereby included in this authority for filing by all carriers by railroad, but without approval by this Commission, of any of said rules, regulations, or charges. And it is

Further ordered: That the tariffs filed under authority of this order shall bear on title-pages thereof the following notation: "Issued on one day's notice to the public and the Commission under special permission of the Public Service Commission, Second District, State of New York, No. 6941, of date February 2, 1918."

This authority supersedes this Commission's special permissions Nos. 6915 (to steam railroads) dated January 10, 1918, and 6923 (to electric railroads) dated January 15, 1918; it does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that uniform charges and regulations as to intrastate and interstate traffic may apply, the Interstate Commerce Commission in its Fifteenth Section Order No. 300, issued January 30, 1918, at the request of the Director-General of Railroads, having authorized, as to interstate traffic, the filing of said regulations and charges.

No. 6957; March 5, 1918; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That under its application therefor dated March 4, 1918, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a joint rate of \$2 per 2000 pounds to apply on carload shipments of Silica Rock, minimum carload weight 50,000 pounds, from Johnstown, N. Y., via Fonda, N. Y., and the New York Central railroad to Buffalo, N. Y., and Niagara Falls, N. Y. This authority does not waive any of the

requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 248, effective March 15, 1918.

No. 6958; March 5, 1918; The Ulster and Delaware Railroad Company:

Ordered: That under its application therefor dated March 4, 1918, The Ulster and Delaware Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a supplement canceling its tariff of car demurrage rules and charges, P. S. C., 2 N. Y., No. 153, and referring to tariff P. S. C., 2 N. Y., No. 158, supplements thereto or superseding issues thereof, as containing regulations and charges to apply on and after effective date of such supplement. This authority does not waive any of the requirements of the Commission's published regulations relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 153, effective March 14, 1918.

No. 6959; March 6, 1918; New York, Ontario and Western Railway Company:

Ordered: That under its application therefor dated March 1, 1918, the New York, Ontario and Western Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of \$1.46 per 2000 pounds to apply on carload shipments of Pulpwood, minimum carload weight 40,000 pounds, from West Monroe, N. Y., via Central Square, N. Y., and the New York Central railroad to Carthage, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3482, effective March 13, 1918.

No. 6960; March 6, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated March 4, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than March 23, 1918, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 3573, establishing a rate of \$1.58 per 2000 pounds to apply on carload shipments of Common, Flat Flooring, Roofing, or Paving Brick, minimum carload weight 50,000 pounds, from Corning, N. Y., to Karner, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 3573, effective March 23, 1918.

No. 6961; March 7, 1918; Erie Railroad Company:

Ordered: That under its application therefor dated March 6, 1918, the Erie Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff as superseding its passenger tariff P. S. C., 2 N. Y., No. 899, providing for the sale at 50 cents per ticket of special form tickets good for ten one-way trips, on special trains only, in either direction between Elmwood avenue, Buffalo, N. Y., and other stations and crossings in Buffalo, N. Y., as named below, viz.: Exchange Street station, East Buffalo, Broadway, Walden Avenue (East Ferry street), Main Street, Genesee Street, East Delavan Avenue, and Kensington Avenue. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 900, effective March 11, 1918.

No. 6962; March 9, 1918; West Shore Railroad (The New York Central Railroad Company, Lessee) :

Ordered: That under its application therefor dated March 7, 1918, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of 74 cents per 2000 pounds to apply on carload shipments of Sand and Gravel, minimum carload weight 60,000 pounds, from Pattersonville, N. Y., via Rotterdam Junction, N. Y., and the Boston and Maine railroad to Mechanicville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1112, effective March 16, 1918.

No. 6963; March 11, 1918; The New York Central Railroad Company:

This special permission not used.

No. 6964; March 11, 1918; The Delaware and Hudson Company:

Ordered: That under its application therefor dated March 11, 1918, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of \$5 per car of 60,000 pounds or less, excess in proportion, to apply on Wet Cinders from said company's cinder pit to junction with the tracks of the Southern New York Power and Railway Corporation. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 3325, effective March 14, 1918.

No. 6965; March 11, 1918; Buffalo Creek Railroad (Erie Railroad Company and Lehigh Valley Railroad Company, Lessees) :

Ordered: That under its application therefor dated March 9, 1918, the Buffalo Creek Railroad (Erie Railroad Company and Lehigh Valley Railroad Company, lessees) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a supplement canceling its tariff of car demurrage rules P. S. C., 2 N. Y., No. 14, and referring to its tariff P. S. C., 2 N. Y., No. 18, supplements thereto or superseding issues thereof, for the demurrage rules and charges which will apply. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 2 to P. S. C. No. 14, effective March 21, 1918.

No. 6966; March 12, 1918; Albany Southern Railroad Company:

Ordered: That under its application therefor dated March 12, 1918, the Albany Southern Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of 30 cents per 100 pounds to apply on shipments of Knit Goods in either direction between Hudson, N. Y., and Troy, N. Y., in connection with the Hudson Valley Railway Company. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 143, effective March 13, 1918.

No. 6967; March 14, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated March 12, 1918, The New York Central Railroad Company be and is hereby authorized to file,

on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of 53 cents per gross ton of 2240 pounds to apply on carload shipments of Limestone and Fluxing Stone, minimum carload weight 25 gross tons, from Richville, N. Y., to Dexter, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3596, effective March 18, 1918.

No. 6968; March 16, 1918; The New York Central Railroad Company

Ordered: That under its application therefor dated March 15, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of \$1.68 per 2000 pounds to apply on carload shipments of Wood Pulp, minimum carload weight 40,000 pounds, from North Tonawanda, N. Y., to Carthage, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3598, effective March 21, 1918.

No. 6969; March 16, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated March 15, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of 53 cents per cord to apply on carload shipments of Pulp Wood, minimum 12 cords per car, from Gabriels, N. Y., to Tupper Lake Junction, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 14 to P. S. C. N. Y. C. No. 2611, effective March 26, 1918.

No. 6970; March 18, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated March 15, 1918, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing the following rates per 100 pounds to apply on shipments of Fresh and Condensed Milk, in ten-gallon cans, from Machias, N. Y., to Ellicottville, N. Y., subject to rules and regulations and estimated weights set forth in said company's tariff P. S. C., 2 N. Y., No. 1354, condensed milk to be subject to estimated weights for cream: Fresh Milk, 14.2 cents; Condensed Milk, 24.4 cents. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1390, effective March 20, 1918.

No. 6971; March 18, 1918; The Glen Cove Railroad Company:

Ordered: That under its application therefor dated March 16, 1918, The Glen Cove Railroad Company be and is hereby authorized to file, on not less than 3 days' notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing the following regulation in place of the regulation governing the transportation of children now contained in said company's local passenger tariff P. S. C., 2 N. Y., No. 2: "Children (not more than three) under five years of age, when accompanied by parent or guardian, will be carried free. Children five years of age and over will be charged the adult fare, except that they will be carried between

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No. 6962; March 9, 1918; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated March 7, 1918, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of 74 cents per 2000 pounds to apply on carload shipments of Sand and Gravel, minimum carload weight 60,000 pounds, from Pattersonville, N. Y., via Rotterdam Junction, N. Y., and the Boston and Maine railroad to Mechanicville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1112, effective March 16, 1918.

No. 6963; March 11, 1918; The New York Central Railroad Company:

This special permission not used.

No. 6964; March 11, 1918; The Delaware and Hudson Company:

Ordered: That under its application therefor dated March 11, 1918, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of \$5 per car of 60,000 pounds or less, excess in proportion, to apply on Wet Cinders from said company's cinder pit to junction with the tracks of the Southern New York Power and Railway Corporation. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 3325, effective March 14, 1918.

No. 6965; March 11, 1918; Buffalo Creek Railroad (Erie Railroad Company and Lehigh Valley Railroad Company, Lessees):

Ordered: That under its application therefor dated March 9, 1918, the Buffalo Creek Railroad (Erie Railroad Company and Lehigh Valley Railroad Company, lessees) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a supplement canceling its tariff of car demurrage rules P. S. C., 2 N. Y., No. 14, and referring to its tariff P. S. C., 2 N. Y., No. 18, supplements thereto or superseding issues thereof, for the demurrage rules and charges which will apply. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 2 to P. S. C. No. 14, effective March 21, 1918.

No. 6966; March 12, 1918; Albany Southern Railroad Company:

Ordered: That under its application therefor dated March 12, 1918, the Albany Southern Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of 30 cents per 100 pounds to apply on shipments of Knit Goods in either direction between Hudson, N. Y., and Troy, N. Y., in connection with the Hudson Valley Railway Company. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 143, effective March 13, 1918.

No. 6967; March 14, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated March 12, 1918, The New York Central Railroad Company be and is hereby authorized to file,

on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of 53 cents per gross ton of 2240 pounds to apply on carload shipments of Limestone and Fluxing Stone, minimum carload weight 25 gross tons, from Richville, N. Y., to Dexter, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3596, effective March 18, 1918.

No. 6968; March 16, 1918; The New York Central Railroad Company

Ordered: That under its application therefor dated March 15, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of \$1.68 per 2000 pounds to apply on carload shipments of Wood Pulp, minimum carload weight 40,000 pounds, from North Tonawanda, N. Y., to Carthage, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3598, effective March 21, 1918.

No. 6969; March 16, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated March 15, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of 53 cents per cord to apply on carload shipments of Pulp Wood, minimum 12 cords per car, from Gabriels, N. Y., to Tupper Lake Junction, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 14 to P. S. C. N. Y. C. No. 2611, effective March 26, 1918.

No. 6970; March 18, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated March 15, 1918, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing the following rates per 100 pounds to apply on shipments of Fresh and Condensed Milk, in ten-gallon cans, from Machias, N. Y., to Ellicottville, N. Y., subject to rules and regulations and estimated weights set forth in said company's tariff P. S. C., 2 N. Y., No. 1354, condensed milk to be subject to estimated weights for cream: Fresh Milk, 14.2 cents; Condensed Milk, 24.4 cents. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1390, effective March 20, 1918.

No. 6971; March 18, 1918; The Glen Cove Railroad Company:

Ordered: That under its application therefor dated March 16, 1918, The Glen Cove Railroad Company be and is hereby authorized to file, on not less than 3 days' notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing the following regulation in place of the regulation governing the transportation of children now contained in said company's local passenger tariff P. S. C., 2 N. Y., No. 2: "Children (not more than three) under five years of age, when accompanied by parent or guardian, will be carried free. Children five years of age and over will be charged the adult fare, except that they will be carried between

the hours of 7 a. m. and 4:30 p. m. upon presentation of a ticket sold at 3 cents, except on Sundays and holidays." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 2, effective March 26, 1918. No. 6972; March 19, 1918; The Delaware and Hudson Company:

Ordered: That under its application filed March 19, 1918, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of April 5, 1918, a supplement to its tariff P. S. C., 2 N. Y., No. 3155, applying on Lumber and Forest Products, for the purpose of correcting rate applying from Shushan, N. Y., via Albany, N. Y., and the New York Central railroad to West Albany, N. Y., to read \$1.85 per 2000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 14 to P. S. C. No. 3155, effective April 5, 1918. No. 6973; March 20, 1918; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under application therefor dated March 18, 1918, railroad carriers under this Commission's jurisdiction or their duly authorized agents that have filed with the Commission schedules containing proposed increased rates for the transportation of sundry commodities between points and via routes wholly within this State, the effective date of which schedules has been postponed until June 30, 1918, under authority of this Commission's special permission No. 6891 of date December 24, 1917, be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than March 25, 1918, supplements canceling the supplements by which such schedules are under postponement until June 30, 1918, and establish the increased rates contained in said schedules now under postponement. This authority is given in order that uniformity of interstate and intrastate rates may obtain, the Interstate Commerce Commission, in its order of March 12, 1918, in I. & S. Docket No. 1125 (Eastern Commodity Case), having vacated and set aside as of March 25, 1918, its order of suspension; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff schedules amended hereunder. Said cancellations shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of supplements which will not be counted against the number of supplements permitted to said tariffs under Rule 9(e) of Circular No. 55.

Completed by various cancellation schedules, effective March 25, 1918.

No. 6974; March 20, 1918; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under application therefor dated March 18, 1918, railroad carriers under this Commission's jurisdiction or their duly authorized agents that have filed with the Commission schedules containing proposed increased rates on Live Stock and Fresh or Dressed Meats between points and via routes wholly within New York state, the effective date of which schedules has been postponed until July 13, 1918, under authority of this Commission's special permission No. 6917 of date January 11, 1918, be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than March 25, 1918, supplements canceling the supplements by which such schedules are under postponement until July 13, 1918, and establish the increased rates contained in said schedules now under postponement. This authority is given in order that uniformity of interstate and intrastate rates may obtain, the Interstate Commerce Commission, in its order of March 12,

1918, in I. & S. Docket No. 1124 (Eastern Live Stock-Fresh Meat Case), having vacated and set aside as of March 25, 1918, its order of suspension; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff schedules amended hereunder. Said cancellations shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of supplements which will not be counted against the number of supplements permitted to said tariffs under Rule 9(e) of Circular No. 55.

Completed by proper cancellation supplements, effective March 25, 1918.

No. 6975; Permission not used.

No. 6976; March 20, 1918:

Ordered: That under applications therefor Boston and Albany Railroad (The New York Central Railroad Company, lessee) and the Boston and Maine Railroad (J. H. Hustis, Temporary Receiver) be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not later than March 22, 1918, tariff schedules canceling schedules on file with this Commission, the effective dates of which are now under postponement until March 22, 1918, under authority of this Commission's special permissions Nos. 6777 of date September 17, 1917, and 6782 of date September 20, 1917, and continue in effect on and after said date the rates and regulations as to New York state traffic now in effect. This authority is given in order that uniform charges and regulations may obtain as to New York state and interstate traffic, the Interstate Commerce Commission having, by order in I. & S. Docket No. 1091, required cancellation of the suspended schedules; it does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by various tariff publications, effective March 22, 1918.

No. 6977; March 20, 1918; R. N. Collyer, Agent:

Ordered: That under application therefor dated March 19, 1918, R. N. Collyer, agent, duly authorized by railroad carriers under the jurisdiction of this Commission to file the Official Classification and supplements thereto, be and is hereby authorized to file, on not less than statutory notice to the public and the Commission, a supplement to Official Classification P. S. C., 2 N. Y., O. C. No. 44, containing amendments thereto to become effective on or about May 6, 1918, without observance of the requirements of Rule 9(e) of this Commission's Circular No. 55. This authority is given in order that uniform regulations may apply as to schedules governing interstate and New York state traffic, the Interstate Commerce Commission having granted similar authority in its special permission No. 45303 dated February 28, 1918; it is limited strictly to its terms and does not include later supplements to said Official Classification.

Completed by supplement No. 22 to P. S. C., O. C. No. 44, effective May 10, 1918.

No. 6978; March 20, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated March 19, 1918, The New York Central Railroad Company and other railroad carriers subject to the jurisdiction of this Commission that have been authorized and have availed or may avail themselves of authorizations by the Interstate Commerce Commission in its orders of March 12, 1918, in Investigation and Suspension Dockets Nos. 1111, 1124, 1125, 1134, 1142, and in No. 57 (*ex parte*), be and they are hereby authorized to file, until otherwise ordered, on not less than five days' notice to the public and the Commission, tariffs and supplements to tariffs, establishing increases in commodity freight rates as follows:

First: To increase commodity rates on cement to the extent of one cent per 100 pounds.

Second: To increase commodity rates on lumber and forest products to the extent of one cent per 100 pounds.

Third: To increase commodity rates which have not been increased since June 27, 1917, on all other commodities, except as noted below, fifteen per cent, subject to the observance of established rate groupings, relationships, and differentials as prescribed in the order of the Interstate Commerce Commission dated March 12, 1918, in case No. 57 *ex parte*, the Fifteen Per Cent Case, notwithstanding that some rates may be thereby increased slightly more than fifteen per cent, and subject to the following rule for the disposition of fractions: Fractions of less than $\frac{1}{4}$ of one cent to be omitted; fractions of $\frac{1}{4}$ but less than $\frac{3}{4}$ of one cent to be treated as $\frac{1}{2}$ cent; fractions of $\frac{3}{4}$ of one cent or more to be treated as one cent.

Exceptions:

- (1) Ice, bituminous coal, coke, and iron ore.
- (2) Anthracite coal, contained in schedules filed with this Commission, the effective date of which is under postponement until April 29, 1918, under the Commission's special permission No. 6817 dated October 15, 1917, and as to which interested carriers are authorized to cancel the said postponement by this Commission's special permission No. 6981 of date March 20, 1918.
- (3) Live stock and fresh or dressed meats contained in schedules filed with the Commission, the effective date of which is under postponement until July 13, 1918, under the Commission's special permission No. 6917 dated January 11, 1918, and as to which interested carriers are authorized to cancel the said postponement by this Commission's special permission No. 6974 of date March 20, 1918.
- (4) Sundry commodities contained in schedules filed with the Commission, the effective date of which is under postponement until June 30, 1918, under this Commission's special permission No. 6891 dated December 24, 1917, and as to which interested carriers are authorized to cancel the said postponement by this Commission's special permission No. 6973 of date March 20, 1918.
- (5) Petroleum and petroleum products contained in schedules filed with the Commission, the effective date of which is under postponement until July 18, 1918, under this Commission's special permission No. 6920 of date January 12, 1918, and as to which interested carriers are authorized to cancel the said postponement by this Commission's special permission No. 6979 of date March 20, 1918.
- (6) Grain and grain products contained in schedules filed with the Commission, the effective date of which is under postponement until July 29, 1918, under this Commission's special permission No. 6931 of date January 25, 1918, and as to which interested carriers are authorized to cancel the said postponement by this Commission's special permission No. 6980 of date March 20, 1918.

This authority is given in order that uniform rates, charges, and practices may obtain as to New York state and interstate traffic, the Interstate Commerce Commission by orders dated March 12, 1918, having vacated various of its orders of suspension and authorized railroad carriers operating in Official Classification territory to similarly increase interstate commodity freight rates; it does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any rates or regulations that may be filed and established under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

No. 6979; March 20, 1918:

Ordered: That on application therefor, dated March 20, 1918, railroad carriers under this Commission's jurisdiction or their duly authorized agents that have filed with this Commission schedules containing proposed increased rates for the transportation of Petroleum and Petroleum Products between

points and via routes wholly within this State, the effective date of which schedules has been postponed until July 18, 1918, under authority of this Commission's special permission No. 6920 of date January 12, 1918, be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than March 25, 1918, supplements canceling supplements by which such schedules are under postponement until July 18, 1918, and establish the increased rates contained in said schedules now under postponement. This authority is given in order that uniformity of practices as to interstate and New York state rates may obtain, the Interstate Commerce Commission in its order of March 12, 1918, in Investigation and Suspension Docket No. 1134, Central Freight Association Territory Petroleum, having vacated and set aside as of March 25, 1918, its order of suspension; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff schedules amended hereunder. Said cancellation shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of supplements which will not be counted against the number of supplements permitted to said tariffs under Rule 9(e) of Circular No. 55.

Completed by supplement No. 3 to E. Morris, Agent, P. S. C. No. 33, and supplement No. 18 to Pennsylvania Railroad Company G. O. P. S. C. No. 823; effective March 25, 1918.

No. 6980; March 20, 1918; Eugene Morris, duly authorized agent:

Ordered: That on application therefor dated March 20, 1918, by Eugene Morris, duly authorized agent, railroad carriers under this Commission's jurisdiction of their duly authorized agents that have filed with this Commission schedules containing proposed increased rates for the transportation of Grain and Grain Products between points and via routes wholly within this State, the effective date of which schedules has been postponed until July 29, 1918, under authority of this Commission's special permission No. 6931 of date January 25, 1918, be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than March 25, 1918, supplements canceling the supplements by which such schedules are under postponement until July 29, 1918, and establish the increased rates contained in said schedules now under postponement. This authority is given in order that uniformity of practices as to interstate and New York state rates may obtain, the Interstate Commerce Commission, in its order of March 12, 1918, in Investigation and Suspension Docket No. 1142, Eastern Grain Case, having vacated and set aside as of March 25, 1918, its order of suspension; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff schedules amended hereunder. Said cancellations shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of supplements which will not be counted against the number of supplements permitted to said tariffs under Rule 9(e) of Circular No. 55.

Completed by various cancellation supplements, effective March 25, 1918.

No. 6981; March 20, 1918; The Delaware and Hudson Company:

Ordered: That on application therefor dated March 20, 1918, by The Delaware and Hudson Company, railroad carriers under this Commission's jurisdiction or their duly authorized agents that have filed with this Commission schedules containing proposed increased rates for the transportation of various grades and kinds of Anthracite Coal in New York state traffic, the effective date of which schedules has been postponed until April 29, 1918, under authority of this Commission's special permission No. 6817 of date October 15, 1917, be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, schedules establishing the commodity rates on anthracite coal, contained in the schedules now under postponement by the

said special permission, in so far as increased by fifteen cents per long ton, or less, as stated in said schedules; provided that such rates between points and via routes wholly within this State shall not be increased by more than fifteen cents per long ton; provided further that where a through rate between two such points is made by combination, appropriate provision is made in the schedules that the aggregate increase of the factors applicable in such combination shall not exceed fifteen cents per long ton. The proposed schedules will be continued under postponement until they are canceled by new schedules filed in conformity with the provisions stated in the next preceding paragraph. This authority is given in order that uniformity of practices as to interstate and New York state rates may obtain, the Interstate Commerce Commission, in its order of March 12, 1918, in Investigation and Suspension Docket No. 1111, Anthracite Coal, having given similar authorization as to interstate traffic, and it is limited strictly to its terms.

Completed by numerous tariff publications filed by various carriers.

No. 6982; March 21, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated March 20, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of 53 cents per cord to apply on carload shipments of Pulp Wood, minimum 12 cords per car, from Saranac Lake, N. Y., and Lake Clear Junction, N. Y., to Tupper Lake Junction, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 14 to P. S. C. N. Y. C. No. 2611, effective March 26, 1918.

No. 6983; March 23, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated March 23, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule applying on carload shipments of Coke, Coke Breeze, and Coke Dust, including Gas House Coke, from Rochester, State Street station, N. Y., to various points on the New York Central and West Shore railroads, as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. C-41, effective March 27, 1918.

No. 6984; March 26, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That on application therefor dated March 25, 1918, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 60 days from the date hereof, a supplement to its tariff of Class Rates P. S. C., 2 N. Y., No. 1019, as canceling supplements Nos. 13, 14, 15, and 16 thereto, and establish such class rates between the company's local stations as may be necessary to maintain, in accord with the so called "Disque Scale," the proper relationship of rates between said stations with rates applicable from and to or between stations in Trunk Line and Central Freight Association territories. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any rates that may be filed and established under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

No. 6985; March 25, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: On application therefor dated March 22, 1918, that the Buffalo, Rochester and Pittsburgh Railway Company, if it has been authorized and has availed itself or does avail itself of authorization in this Commission's special permission No. 6978 of March 20, 1918, and does generally increase by not more than one cent per 100 pounds the rates on Lumber and Forest Products contained in its tariff P. S. C., 2 N. Y., No. 1077, other than the rate on Logs from and to the points named below, be and it is hereby authorized to file, on not less than five days' notice to the public and the Commission, a tariff schedule establishing on Logs, carloads, minimum weight as specified in Official Classification and the said carrier's exceptions thereto, from New York state stations Freedom, Farmersville, Elton, Machias, Bird, and Devereux, via Charlotte, N. Y., and the New York Central railroad to Webster, N. Y., a rate of \$1.78 per 2000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6986; March 30, 1918; Hudson Navigation Company:

Ordered: That on its application therefor dated March 29, 1918, the Hudson Navigation Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing as basing fares between New York, N. Y., and Albany, N. Y., the following:

	<i>One-way</i>	<i>Excursion</i>
From effective date of tariff to June 21st inclusive.....	\$2.00	\$3.50
From June 22nd to September 10th inclusive.....	2.50	4.00
From September 11th to December 15th inclusive.....	2.00	3.50

This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 33, effective April 9, 1918.

No. El.-46; March 5, 1918; Utica Gas and Electric Company:

Ordered: That under its application therefor dated March 5, 1918, the Utica Gas and Electric Company be and is hereby authorized to file, on not less than 15 days' notice to the public and the Commission and under an effective date of April 1, 1918, second revised leaf No. 2, first revised leaf No. 9, fourth revised leaf No. 9-A, and original leaves Nos. 21, 21-A, and 21-B to its general schedule for electricity P. S. C., 2 N. Y., No. 1, establishing the rates, regulations, and charges set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. Said leaves shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. El.-46, of March 5, 1918." This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective April 1, 1918.

No. El.-47; March 18, 1918; Utica Gas and Electric Company:

Ordered: That under its application therefor dated March 16, 1918, the Utica Gas and Electric Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within 30 days from the date hereof, amendments to its general schedule for electricity P. S. C., 2 N. Y., No. 1, adding the village of Remsen to the list of localities served by said company, and revising original leaf No. 7 to provide for the discontinuance of discount allowed for lamp renewals, and providing for an increase of one-half cent per kilowatt hour in the discount allowed for prompt payment of bills, as set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive

any of the requirements of the Commission's published rules governing the filing and publications of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective April 1, 1918.

No. G-24; March 28, 1918; Iroquois Natural Gas Company:

Ordered: That on its application therefor dated March 28, 1918, the Iroquois Natural Gas Company, for the purpose of postponing the effective date of rates and regulations heretofore filed with this Commission to become effective April 1, 1918, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of April 1, 1918, amendments to its general schedules for gas P. S. C., 2 N. Y., Nos. 1, 2, 3, and 4, continuing the rates and regulations now in effect. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective April 1, 1918.

[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petitions of THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA, Erie county; and the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SLOAN, Erie county; for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley Railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

Ordered: 1. That the fourth intermediate accounting entered into by The Delaware, Lackawanna and Western Railroad Company with the Lehigh Valley Railroad Company, the Erie Railroad Company, and the Town of Cheektowaga, showing expenditures to the amount of \$29,913.15, exclusive of interest, properly and necessarily incurred to October 31, 1917, in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; said accounting having been accepted by The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer; by the Lehigh Valley Railroad Company as indicated by the signature of its chief engineer; by the Erie Railroad Company as indicated by the signature of its assistant chief engineer; and by the Town of Cheektowaga as indicated by the signature of the town attorney.

2. That of the total amount of \$29,913.15 thus expended and herein accounted for, the share of and the amount chargeable to The Delaware, Lackawanna and Western Railroad Company is the sum of \$8705.69; the shares of and the amounts chargeable to the Lehigh Valley Railroad Company and the Erie Railroad Company as fixed by contract dated February 3, 1917, are the respective sums of \$3187.15 and \$3063.73; the share of the Town of Cheektowaga is the sum of \$7478.28; and the share of the State of New York is the sum of \$7478.30, said last mentioned sum to be paid by the State out of funds appropriated for the elimination of grade crossings.

142 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6348]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of LEON SPEDER under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Newburgh, it being proposed that the route shall also be operated to the incorporated village of Cornwall and the hamlet of Firthcliffe.

Leon Speder asks for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Newburgh and the incorporated village of Cornwall and the hamlet of Firthcliffe. The consent of the municipal authorities of the City of Newburgh was granted February 4, 1918, subject to certain terms and conditions. A public hearing was held in Newburgh on March 22, 1918, at which Mr. A. M. Fred-
ericson and Mr. Joseph Reebach appeared for the petitioner; Mr. J. R. Thompson for John Britton and others; Mr. William F. Cassedy for Orange County Traction Company; and Mr. John B. Corwin, corporation counsel, for the City of Newburgh. It was stipulated at said hearing that no passengers would be carried by petitioner from one point to another within the city of Newburgh. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Leon Speder of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Newburgh, a copy whereof is attached to the petition herein, from a point beginning in the city of Newburgh on Broadway at its intersection with Colden street, and running thence along Broadway to Mill street to the city line, to be operated only as a part of a line from the city of Newburgh to the incorporated village of Cornwall and the hamlet of Firthcliffe, but not to carry passengers locally from one point to another point within said city of Newburgh. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Newburgh, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 6374]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of OSCAR D. SHEELEY and WILLIAM O. HALL, doing business under the name "Riverside Auto Company," for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Newburgh, it being proposed that the route shall also be operated to the incorporated village of Montgomery, Orange county.

Oscar D. Sheeley and William O. Hall, doing business under the name "Riverside Auto Company," ask for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Newburgh and the incorporated village of Montgomery, Orange county. The consent of the municipal authorities of the City of Newburgh was granted March 5, 1918, subject to certain terms and conditions. A public hearing was held in Newburgh on March 22, 1918, at which Mr. Graham Witschief appeared for the petitioners; Mr. Peter Cantline for William Howden; Mr. William F. Cassedy for Orange County Traction Company; Mr. John B. Corwin, corporation counsel, for the City of Newburgh; Samuel V. Schoonmaker for the commercial bureau of the Newburgh Chamber of Commerce; Mr. Francis J. Gorman for the transportation committee of the Merchants Association of Newburgh; Mr. J. R. Thompson for John Britton and others; and Mr. Alexander Johnston for Edward K. Lyons. It was stipulated at said hearing that no passengers would be carried by petitioners from one point to another within the city of Newburgh. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Oscar D. Sheeley and William O. Hall, doing business under the name "Riverside Auto Company," of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Newburgh, a copy whereof is attached to the petition herein, from a point beginning in the city of Newburgh at the Dell House on Front street, and running in Front street, Second street, Water street, Colden street, and Broadway to the city line, to be operated only as a part of a line from the city of Newburgh to the incorporated village of Montgomery, Orange county, but not to carry passengers locally from one point to another point within said city of Newburgh. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Newburgh, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

144 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6385]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of JOHN BRITTON under chapter 667, laws of 1915, for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Newburgh, it being proposed that the route shall also be operated to the incorporated village of Cornwall and the hamlet of Firthcliffe.

John Britton asks for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Newburgh and the incorporated village of Cornwall and the hamlet of Firthcliffe. The consent of the municipal authorities of the City of Newburgh was granted March 5, 1918, subject to certain terms and conditions. A public hearing was held in Newburgh on March 22, 1918, at which Mr. A. M. Fred-ericson appeared for Leon Speder; Mr. J. R. Thompson for the petitioner; Mr. William F. Cassedy for Orange County Traction Company; and Mr. John B. Corwin, corporation counsel, for the City of Newburgh. It was stipulated at said hearing that no passengers would be carried by petitioner from one point to another within the city of Newburgh. Now, therefore, this Com-mission hereby certifies that public convenience and necessity require the operation by John Britton of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of New-burgh, a copy whereof is attached to the petition herein, from a point begin-ning in the city of Newburgh on Broadway between Grand and Liberty streets, and running thence along Broadway to Mill street to the city line, to be operated only as a part of a line from the city of Newburgh to the incorporated village of Cornwall and the hamlet of Firthcliffe, but not to carry passengers locally from one point to another point within said city of Newburgh. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Newburgh, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 6387]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of GILBERT MACMORREN under chapter 667, laws of 1915, for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Newburgh, it being proposed that the route shall also be operated to the incorporated village of Cornwall and the hamlet of Firthcliffe.

Gilbert MacMorren asks for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Newburgh and the incorporated village of Cornwall and the hamlet of Firthcliffe. The consent of the municipal authorities of the City of Newburgh was granted March 5, 1918, subject to certain terms and conditions. A public hearing was held in Newburgh on March 22, 1918, at which Mr. J. R. Thompson appeared for the petitioner; Mr. A. M. Fredericson appeared for Leon Speder; Mr. William F. Cassidy for Orange County Traction Company; and Mr. John B. Corwin, corporation counsel, for the City of Newburgh. It was stipulated at said hearing that no passengers would be carried by petitioner from one point to another within the city of Newburgh. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Gilbert MacMorren of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Newburgh, a copy whereof is attached to the petition herein, from a point beginning in the city of Newburgh on the north side of Broadway between Grand and Liberty streets, and running thence along Broadway to Mill street to the city line, to be operated only as a part of a line from the city of Newburgh to the incorporated village of Cornwall and the hamlet of Firthcliffe, but not to carry passengers locally from one point to another point within said city of Newburgh. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Newburgh, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

146 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6388]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of JESSE E. BUTTERWORTH under chapter 667, laws of 1915, for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Newburgh, it being proposed that the route shall also be operated to the incorporated village of Cornwall and the hamlet of Firthcliffe.

Jesse E. Butterworth asks for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Newburgh and the incorporated village of Cornwall and the hamlet of Firthcliffe. The consent of the municipal authorities of the City of Newburgh was granted March 5, 1918, subject to certain terms and conditions. A public hearing was held in Newburgh on March 22, 1918, at which Mr. J. R. Thompson appeared for the petitioner; Mr. A. M. Fredericson for Leon Speder; Mr. William F. Cassedy for Orange County Traction Company; and Mr. John B. Corwin, corporation counsel, for the City of Newburgh. It was stipulated at said hearing that no passengers would be carried by petitioner from one point to another within the city of Newburgh. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Jesse E. Butterworth of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Newburgh, a copy whereof is attached to the petition herein, from a point beginning in the city of Newburgh on the north side of Broadway between Grand and Liberty streets, and running thence along Broadway to Mill street to the city line, to be operated only as a part of a line from the city of Newburgh to the incorporated village of Cornwall and the hamlet of Firthcliffe, but not to carry passengers locally from one point to another point within said city of Newburgh. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Newburgh, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 6389]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of EDWARD K. LYONS under chapter 667, laws of 1915, for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Newburgh, it being proposed that the route shall also be operated northerly to the incorporated village of Marlborough, Ulster county.

Edward K. Lyons asks for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Newburgh and the incorporated village of Marlborough, Ulster county. The consent of the municipal authorities of the City of Newburgh was granted February 18, 1918, subject to certain terms and conditions. A public hearing was held in Newburgh on March 22, 1918, at which Mr. Alexander Johnston appeared for the petitioner; Mr. William F. Cassedy for Orange County Traction Company; and Mr. John B. Corwin, corporation counsel, for the City of Newburgh. It was stipulated at said hearing that no passengers would be carried by petitioner from one point to another within the city of Newburgh. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Edward K. Lyons of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Newburgh, a copy whereof is attached to the petition herein, from a point beginning in the city of Newburgh on Front street at its intersection with Second street, and running thence along Front street to Third street; thence along Third street to Water street; thence along Water street, North Water street, Grand avenue or Liberty street, to the city line; also on Sunday, Wednesday, and Saturday evenings at 11 o'clock, beginning on Broadway at its intersection with Grand street in the city of Newburgh, thence along Broadway to Liberty street, along Liberty street to the city line, to be operated only as a part of a line from the city of Newburgh to the incorporated village of Marlborough, Ulster county, but not to carry passengers locally from one point to another point within said city of Newburgh. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Newburgh, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

148 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the FULTON LIGHT, HEAT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$150,000 common capital stock for reimbursement.

Petition filed May 29, 1916; amended petition filed June 15, 1916; report of division of capitalization dated July 8, 1916; reports of division of light, heat, and power dated January 29, 1917, and February 7, 1918; final report of division of capitalization dated June 29, 1917; supplement to final report of division of capitalization dated February 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the supplement to the final report of the division of capitalization in this proceeding dated February 25, 1918, which on March 8, 1918, was sent to the corporation, such entries being listed in appendix C, pages 15 and 16 thereof, shall be entered upon the books of the Fulton Light, Heat and Power Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Fulton Light, Heat and Power Company is hereby authorized to issue \$15,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least that amount.

3. That the proceeds of said stock so authorized, which shall not be less than \$15,000, shall be used solely and exclusively for the following purpose: For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the period from May 29, 1911, to May 29, 1916, inclusive, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation, \$15,141.97: amount unprovided for, \$141.97.

4. That the Fulton Light, Heat and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) the amount of such stock proceeds used during such period for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or proceeds used the report shall set forth such fact.

5. That the Fulton Light, Heat and Power Company shall charge \$40,000 to an account to be called "Intangibles," and shall thereafter amortize the amount so charged by crediting \$3000 to that account and charging a like amount to the account "Other Contractual Deductions from Income" during each calendar year commencing January 1, 1918, until the entire amount shall have been amortized, provided that the said company may amortize the said sum more rapidly than herein provided if it so desires.

6. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall

file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

7. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made; reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6342]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of JACOB I. SIMONS of Iona Island for himself and others *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking that train No. 9 on the West Shore Railroad (lessor) stop at Iona Island to leave passengers.

The above entitled case having been noticed for hearing at the New York office of this Commission on the 3rd day of April, 1918, at 3:30 o'clock p. m., and the complainant, Jacob I. Simons, under date of March 31, 1918, having written a letter to this Commission stating that he desired to withdraw his application, it is

Ordered: That the complaint in the above entitled matter be dismissed and the case closed on the books of the Commission.

[Case No. 156]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Joint Petition of the CITY OF WHITE PLAINS and THE NEW YORK CENTRAL RAILROAD COMPANY for a modification of the order of this Commission dated April 10, 1912, the modification asked for being with respect to the location, construction, and design of an overgrade crossing of the railroad near Tibbetts avenue, in the city of White Plains.

Ordered: That in compliance with a joint request by The New York Central Railroad Company and the Bronx Parkway Commission, this Commission

hereby approves the awarding of a contract for the preparation of plans and specifications for a reinforced concrete viaduct to be constructed in compliance with its order herein, including working drawings, stress diagrams, and other work more specifically mentioned and set forth in items 1 to 8 inclusive of a proposal by Guy Vroman, consulting engineer, a copy of said proposal being on file with this Commission.

Further Ordered: That such proposal shall not be construed as in any manner obligating the State of New York to any expenditure in excess of ten thousand four hundred dollars (\$10,400) as provided in the order herein of October 24, 1917.

[Case No. 4611]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which state highway No. 5459 (route 5, section 7) shall cross the tracks of the Ulster and Delaware railroad in the town of Roxbury, Delaware county.

Upon the presentation of the accounting between The Ulster and Delaware Railroad Company and the State Commission of Highways for the work of construction, as provided for in a determination of the Commission in the matter above entitled, and in which interest on expenditures was computed to January 1, 1917, the railroad corporation demanded that the interest period for the purpose of fixing the amount to be finally paid to it by the State be advanced to April 1, 1917. The claim came up for hearing, and by order of April 17, 1917, was denied. The accounting thereupon proceeded, and the State's remaining portion of the cost was paid to the railroad company, which however accepted said payment without prejudice to its right to review said order of April 17, 1917. The railroad company subsequently appealed to the Appellate Division for a review of this last mentioned order, and the decision of the court, dated March 22, 1918, annulled the Commission's order and requires the State to pay the interest as originally demanded, to April 1, 1917. The amount paid by the State to the railroad company on final accounting was \$15,046.20. Upon this sum, interest at 6 per cent for three months amounts to \$225.69. The judgment of the court also requires payment by the State of \$52.01, costs as taxed, making a total sum due and payable by the state of \$277.70. Therefore

Ordered: That there is now due and payable by the State of New York to The Ulster and Delaware Railroad Company, from funds appropriated for the improvement of highways, the sum of two hundred seventy-seven dollars and seventy cents (\$277.70), said sum being the remaining amount in full which the State shall pay as its cost of said interest charges and other expenditures, in compliance with the opinion and order of the court.

[Case No. 5656]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

*Present:*CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of MILTON L. SKINNER, E. O. BARNES, WILLIAM PULIS, ORVAL H. KAYS, and FULBOAM DAIRY COMPANY of Milanville, Penna., against ERIE RAILROAD COMPANY, asking that a proper passenger and freight station building be constructed at Skinner's Falls, Sullivan county, N. Y.

In this case an order was made January 25, 1917, requiring the construction of a building for a passenger and freight station and the maintenance of an agency station for freight and passengers at Skinner's Falls. A petition for a rehearing was denied February 15, 1917; and July 24, 1917, an order was made, because of the entrance of the United States into the war, postponing the effective date of said order so as to require the filing of plans and outline specifications of said station building on or before March 1, 1918, and the work to proceed as soon as possible after the approval of such plans and specifications. February 13, 1918, the respondent filed a petition asking further postponement of the effective date of said order. A hearing was held and the entire matter submitted to the Director General of Railroads with a view of ascertaining whether or not the Federal Government would, in the present circumstances, object to the present enforcement of the order. A letter dated April 3, 1918, and signed by Robert S. Lovett, Director of the Division of Betterments and Additions of the United States Railroad Administration, states: "Under the present circumstances we hope that the Public Service Commission of the Second District of New York will postpone this order requiring a freight and passenger station at Skinner's Falls during the present emergency." It is therefore

Ordered: That the enforcement of the orders of January 25, 1917, and July 24, 1917, be and hereby is suspended indefinitely, but with leave to the complainants or any of them, or to any other persons interested, to make application to the Commission for the enforcement of such orders at any time when the war emergency shall cease and render their enforcement practicable, or if at any time the Federal Government shall indicate that it no longer desires a postponement of the work.

[Case No. 5682]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

*Present:*CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of SEELY ELECTRIC COMPANY of Spencer under section 69 of the Public Service Commissions Law for authority to issue \$11,300 common capital stock.

Amended
order.

Petition filed August 22, 1916; report of division of light, heat, and power dated September 29, 1916; order entered October 10, 1916; supplemental

petition filed March 18, 1918; report of division of capitalization dated April 3, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order herein dated October 10, 1916, is hereby modified and amended to authorize the Seely Electric Company to issue \$11,000 par value of its common capital stock; and the authorization in addition thereto to issue \$300 of such stock is hereby vacated.

2. That subdivision c of clause No. 2 of said order of October 10, 1916, is hereby amended by the substitution therefor of the following:

c For the estimated cost of new construction as follows:

1. 17 x 18 Uniflow engine	\$3,791.58
2. 125-k.v.a. alternator and exciter.....	1,580.45
3. 4-panel switchboard with switches and instruments complete....	930.04
4. Feed water heater, steam separator, traps, etc.....	489.14
5. Tile building with roof and floor.....	900.73
	<hr/>
	\$7,691.94

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the stock heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6082]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of THE GLEN COVE RAILROAD COMPANY under subdivision 1, section 49, of the Public Service Commissions Law, for permission to increase passenger fares.

Order to
show cause.

Because of the opinion and order of the Court of Appeals, April 5, 1918, "In the matter of the application of Henry D. Quinby, individually and as comptroller of the City of Rochester, and the City of Rochester, Appellants, for a Writ of Prohibition against the Public Service Commission of the State of New York for the Second District, and the New York State Railways, Respondents";

Ordered: That The Glen Cove Railroad Company show cause before this Commission, at the office of the Commission, No. 58 North Pearl street, in the city of Albany, on Wednesday, April 17, 1918, at 12 o'clock m., why the order of this Commission dated December 11, 1917, "In the matter of the petition of The Glen Cove Railroad Company under subdivision 1, section 49, of the Public Service Commissions Law, for permission to increase passenger fares," should not be annulled.

[Case No. 6084]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of HUDSON RIVER AND EASTERN TRACTION COMPANY under section 49 of the Public Service Commissions Law for permission to increase passenger fares. Order to show cause.

Because of the opinion and order of the Court of Appeals, April 5, 1918, "In the matter of the application of Henry D. Quinby, individually and as comptroller of the City of Rochester, and the City of Rochester, Appellants, for a Writ of Prohibition against the Public Service Commission of the State of New York for the Second District, and the New York State Railways, Respondents";

Ordered: That Hudson River and Eastern Traction Company show cause before this Commission, at the office of the Commission, No. 58 North Pearl street, in the city of Albany, on Wednesday, April 17, 1918, at 12 o'clock m., why the order of this Commission dated November 20, 1917, "In the matter of the petition of Hudson River and Eastern Traction Company under section 49 of the Public Service Commissions Law for permission to increase passenger fares," should not be annulled.

[Case No. 6086]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of HUNTINGTON RAILROAD COMPANY under subdivision 1, section 49, of the Public Service Commissions Law for permission to increase passenger fares. Order to show cause.

Because of the opinion and order of the Court of Appeals, April 5, 1918, "In the matter of the application of Henry D. Quinby, individually and as comptroller of the City of Rochester, and the City of Rochester, Appellants, for a Writ of Prohibition against the Public Service Commission of the State of New York for the Second District, and the New York State Railways, Respondents";

Ordered: That Huntington Railroad Company show cause before this Commission, at the office of the Commission, No. 58 North Pearl street, in the city of Albany, on Wednesday, April 17, 1918, at 12 o'clock m., why the order of this Commission dated November 20, 1917, "In the matter of the petition of Huntington Railroad Company under subdivision 1, section 49, of the Public Service Commissions Law for permission to increase passenger fares," should not be annulled.

154 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6091]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of NORTHPORT TRACTION COMPANY under subdivision 1, section 49, of the Public Service Commissions Law for permission to increase passenger fares.

Order to
show cause.

Because of the opinion and order of the Court of Appeals, April 5, 1918, "In the matter of the application of Henry D. Quinby, individually and as comptroller of the City of Rochester, and the City of Rochester, Appellants, for a Writ of Prohibition against the Public Service Commission of the State of New York for the Second District, and the New York State Railways, Respondents";

Ordered: That Northport Traction Company show cause before this Commission, at the office of the Commission, No. 58 North Pearl street, in the city of Albany, on Wednesday, April 17, 1918, at 12 o'clock m., why the order of this Commission dated November 20, 1917, "In the matter of the petition of Northport Traction Company under subdivision 1, section 49, of the Public Service Commissions Law for permission to increase passenger fares," should not be annulled.

[Case No. 6094]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of PEEKSKILL LIGHTING AND RAILROAD COMPANY under section 49 of the Public Service Commissions Law for permission to increase passenger fares. Petition of Village of Peekskill for rehearing.

After hearing and due deliberation it is

Ordered: That the application of the Village of Peekskill for rehearing of the petition of Peekskill Lighting and Railroad Company under section 49, Public Service Commissions Law, for permission to increase passenger fares, an order in which was made by this Commission December 12, 1917, is hereby granted, and that said rehearing be held by this Commission at its office, No. 58 North Pearl street, in the city of Albany, on Wednesday, April 17, 1918, at 2 o'clock p. m.

[Case No. 6096]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of PUTNAM AND WESTCHESTER TRACTION COMPANY under section 49 of the Public Service Commissions Law for permission to increase passenger fares. Petition of Village of Peekskill for rehearing.

After hearing and due deliberation it is

Ordered: That the application of the Village of Peekskill for rehearing of the petition of Putnam and Westchester Traction Company under section 49, Public Service Commissions Law, for permission to increase passenger fares, an order in which was made by this Commission December 12, 1917, is hereby granted, and that said rehearing be held by this Commission at its office, No. 58 North Pearl street, in the city of Albany, on Wednesday, April 17, 1918, at 2 o'clock p. m.

[Case No. 6193]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of Petition of HOLDEN PAPER COMPANY under section 53 of the Public Service Commissions Law for permission to construct in the town of Blooming Grove, Orange county, a single track siding to connect with the Newburgh branch of the Erie railroad; and for approval of the exercise of local authorities' consents, and of a right from the Supreme Court to cross a highway.

After a date for hearing had been set in this matter, petitioner's attorney asked for a postponement because "the prices of labor and materials have so advanced that my client does not see its way clear to do the work in the immediate future". After further correspondence, petitioner's attorney informed the Commission, "It is agreeable to me that you enter a closing order in this case, with the understanding that it may be opened at any time on motion of the petitioner". Under these circumstances it is

Ordered: That this case is hereby closed upon the records of the Commission, subject to reopening on application of the petitioner.

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[Case No. 6221]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petitions of the DEER RIVER RAILROAD CORPORATION and WILLARD B. VAN ALLEN as to transfer of the former Carthage and Copenhagen railroad to the corporation; and as to exercise of the franchises and operation of the railroad, and issuance of capital stock by the corporation.

Supplemental
order.

Petition filed September 27, 1917; report of division of capitalization dated October 10, 1917; hearing held October 23, 1917; order entered October 23, 1917; supplemental petitions filed December 24, 1917, and February 28, 1918; report of division of capitalization dated April 9, 1918. Now therefore, upon the foregoing record,

Ordered: That the proposed expenditures by the Deer River Railroad Corporation incident to organization, aggregating \$5076.15, are hereby approved, and the petitioner is permitted to charge the same to the account "Organization Expenses," under the Classification of Investment in Road and Equipment of Steam Roads promulgated by the Interstate Commerce Commission and adopted by this Commission.

[Case No. 6248]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of the PRESIDENT AND TRUSTEES OF THE VILLAGE OF RICHMONDVILLE, Schoharie county, against GREAT BEAR LIGHT AND POWER COMPANY, asking extension of operation period.

This complaint was, in effect, that the respondent was not furnishing electric current in the village of Richmondville during the hours whereby, under its tariffs, it was obligated to furnish such service. It appeared at the hearing that the complaint was well grounded, and it also appeared that during certain periods the company, which ordinarily generates its power by water, was compelled to use steam, and that it had not found it possible to obtain coal in quantity sufficient to permit the regular service. Persistent effort by the Commission through the County Fuel Administrator to obtain coal for the respondent failed to accomplish any result, but in time the weather moderated, water power became available, and the service is being furnished. It is therefore

Ordered: That the case be and the same hereby is closed on the records of the Commission; but it is

Further Ordered: That the respondent proceed without delay to make arrangements by contract whereby it will be insured during the coming Winter of a sufficient supply of coal to enable it to serve its patrons in accordance with its published schedules. And further, that it notify the Commission within ten days after the service of a copy of this order as to its acceptance thereof, and within thirty days thereafter as to what steps it has taken to secure a coal supply.

[Case No. 6297]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of THE DELAWARE AND HUDSON COMPANY under section 89 of the Railroad Law and section 53 of the Public Service Commissions Law as to an additional main track of its railroad crossing highways in the town of Worcester, Otsego county.

The petitioning railroad corporation is engaged in the construction of a third main line track for northbound traffic from Schenectady to the top of what is known as the East Worcester summit, in order to obtain more favorable grades. The alignment of this proposed new track is such that its location is for the most part at a considerable distance from the line of the railroad as it now exists, for the reason that it would have been impossible to construct a similar low grade line adjacent to the present tracks. This proposed new track is located partly in the town of Worcester, and the petitioner has come before the Commission under section 53 of the Public Service Commissions Law for approval of the exercise by it of its franchise, and under section 89 of the Railroad Law for a determination as to the manner in which this new track shall cross certain highways in said town. At the hearing upon said petition held in the city of Albany on March 18, 1918, John E. MacLean and James MacMartin appeared for the railroad corporation, and F. A. Hermans for the State Commission of Highways; and due proof of publication of the notice of the hearing was filed. There was also submitted in evidence a certified copy of the order of the Supreme Court dated 18th day of December, 1917, under section 21 of the Railroad Law, permitting the railroad company to cross the various highways referred to in the petition. It is not proposed to cross any of the highways at grade. The projected line of the new track is such as to permit one of the highways to be carried over its grade; and the remaining highways to be carried under its grade on their present lines except in two instances, namely the White House road and the New South Hill road. The alignment of the White House road (a very unimportant highway) is proposed to be changed in order to place the construction on more favorable ground and to reduce the angle of skew. The New South Hill road is intended to be closed and all travel diverted therefrom to the Old South Hill road by means of a new highway proposed to be constructed approximately parallel to and on the east side of the new track.

All of the crossings and changes in highways herein referred to are shown upon general plans on file with the Commission, said plans forming a part of an agreement made and entered into by the Town of Worcester with The Delaware and Hudson Company, a copy of which (retained by the railroad company) was introduced into the evidence as an exhibit.

In respect of the crossing of the state highway route No. 7, the Highway Commission consents that the petitioner be granted permission to carry the

proposed railroad over the grade of the highway at the point proposed, on the condition agreed to by the railroad corporation that the layout of the crossing and the details of the structure be left indeterminate at this time; that the construction be such as to provide to as great an extent as possible an unobstructed view through the subway; and that prior to the beginning of construction plans for this crossing be submitted to the Highway Commission for its approval.

Upon due consideration of the evidence and all of the circumstances connected with the proceeding, the Commission has finally determined that the proposed new track of The Delaware and Hudson Company's railroad shall cross the respective highways other than at grade, and that said crossings and the changes to be made in the existing highways shall be as herein more specifically prescribed and provided for. It is therefore

Ordered: 1. That the White House Road highway shall be carried under the grade of the proposed railroad on a revised line in a subway 26 feet wide on a clearance of not less than 12 feet. The center line of the highway within the limits of its diversion from the existing highway shall bear the following description: Beginning at a point about 350 feet, measured along the present highway on the east side of the proposed track, from its intersection with the projected new railroad line, thence curving to the right on a radius of 161 feet a distance of about 100 feet; thence tangent across the railroad a distance of about 50 feet; thence curving to the left on a radius of 126 feet a distance of about 100 feet; thence tangent to an intersection with the existing highway on the west side of the track; this alignment, the grades on the proposed highway, the location of the proposed undergrade crossing, etc., to be as shown upon a blueprint on file with this Commission, said blueprint being part of of an agreement dated October 2, 1917, made by and between the town board of the Town of Worcester and The Delaware and Hudson Company.

2. That the South Hill Road highway shall be carried under the grade of the proposed railroad in an undergrade crossing 26 feet wide located substantially within the present lines of the highway on a clearance of not less than 12 feet; the easterly approach grade shall descend toward the crossing at the rate of about 12.5 per cent, joining an 0.50 per cent descending grade extending through the subway, and to an intersection with the present highway surface on the west side of the tracks. The location of the proposed crossing and the changes in highway grades herein referred to shall be in accordance with a plan on file with this Commission, said plan forming a part of the agreement dated October 2, 1917, made by and between the town board of the Town of Worcester and The Delaware and Hudson Company.

3. That the Lovejoy Road highway shall be carried under the grade of the proposed railroad in an undergrade crossing 26 feet wide located within the present lines of the highway on a clearance of not less than 12 feet; the easterly approach grade shall descend toward the crossing at the rate of about 15 per cent, joining an 0.50 per cent descending grade extending through the subway, and to an intersection with the present highway surface on the west side of the tracks. The location of the proposed crossing and the changes in highway grades herein referred to shall be in accordance with a plan on file with this Commission, said plan forming a part of the agreement dated October 2, 1917, made by and between the town board of the Town of Worcester and The Delaware and Hudson Company.

4. That the Old South Hill Road highway shall be carried over the grade of the railroad which at this point is to be located in a cut. The clear headroom shall be not less than 22 feet, and the grade on the highway approaching this structure and on the structure itself shall ascend toward the east at the rate of about 12 per cent, this grade to be carried westerly to an intersection with the present highway surface. On the east side of the track the approach grade shall be carried out level, or substantially so, also to an intersection with the highway surface as it now exists. The New South Hill road shall be closed and discontinued where crossed by the projected railroad line, and a new highway shall be constructed on the east side of the proposed track and at distances therefrom varying from approximately 125 to 100 feet; such new

highway extending from the New South Hill road to the Old South Hill road. The grades on this connecting highway and other features of the construction herein referred to shall be in accordance with a plan on file with this Commission forming a part of an agreement made and entered into by the town board of the Town of Worcester with The Delaware and Hudson Company on October 8, 1917, said plan being on file with this Commission.

5. That state highway route No. 7, which at this point has been constructed and improved, shall cross under the proposed new track, the latter to be at such elevation as to require no revision of the present highway grade or surface and to provide for a clear headroom of not less than 13 feet. In accordance with the understanding and agreement reached at the hearing, the width of opening and other details of this crossing shall be such as to provide an unobstructed view along the highway to the greatest practicable extent, and that plans for the layout and structure shall be submitted and subject to the approval of the State Department of Highways before the beginning of construction.

6. Wherever the existing surfaces of highways are to be changed as herein provided, the grading shall be carried out to such width and the ditching and paving and other necessary incidental work performed in such manner and with such material as may be satisfactory to and approved by the local authorities.

For the purposes of this order, the direction of the proposed new track is considered as being north and south, and all other directions herein referred to are based upon such assumption.

[Case No. 6301]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BABHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of THE DELAWARE AND HUDSON COMPANY under section 89 of the Railroad Law and section 53 of the Public Service Commissions Law as to an additional main track of its railroad crossing the South Hill Road highway in the town of Maryland, Otsego county.

The petitioning railroad corporation is engaged in the construction of a third main line track for northbound traffic from Schenevus to the top of what is known as the East Worcester summit, in order to obtain more favorable grades. The alignment of this new track is such that its location is for the most part at a considerable distance from the line of the railroad as it now exists, for the reason that it would have been impossible to construct a similar low grade line adjacent to the present tracks. This proposed new track is located partly in the town of Maryland, and the petitioner has come before the Commission under section 53 of the Public Service Commissions Law for approval of the exercise by it of its franchise, and under section 89 of the Railroad Law for a determination as to the manner in which this new track shall cross a highway known as the South Hill road, a comparatively unimportant highway located in said town. At a hearing upon said petition held in the city of Albany on March 18, 1918, John E. MacLean and James MacMartin appeared for the railroad corporation; and due proof of publication of the notice of the hearing was filed. There was also submitted in evidence a certified copy of the order of the Supreme Court dated 18th day of Decem-

ber, 1917, under section 21 of the Railroad Law, permitting the railroad company to cross the South Hill road. It is proposed to cross the highway at grade, the location of the crossing to be about 40 feet from the grade crossing of the present northbound track. As an existing siding which now crosses the highway is to be removed, the highway will be crossed by no more tracks on account of this construction than it is at the present time. On account of the close proximity of the new and the old tracks, it will be impossible to cross the highway other than at grade unless a crossing of all of the tracks is eliminated. That there is no objection to such proposed grade crossing by the properly constituted authorities of the Town of Maryland is shown by an agreement marked "Exhibit No. 2" (retained by counsel for the railroad company), made and entered into on the 18th day of July, 1917, between the town board of said town and The Delaware and Hudson Company. Upon consideration, it has been determined that the new track shall cross the South Hill Road highway at the grade of the highway, and it is therefore

Ordered: 1. That this Commission, under section 53 of the Public Service Commissions Law, hereby permits and approves of the construction of the additional track of The Delaware and Hudson Company, and the exercise by said corporation of its franchise and rights, including those in regard to the highway crossing of the South Hill road.

2. That under section 89 of the Railroad Law, the said new track shall cross the South Hill Road highway in the town of Maryland at the grade of the highway, it being impracticable to cross said highway in any other manner.

[Case No. 6323]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of G. W. BEARDSLEY and FRED HAYES of Montour Falls (R. F. D. No. 2) *against* ELMIRA WATER, LIGHT AND RAILROAD COMPANY, asking that the company build a line to their residences and furnish electric current for light and power.

The complainants are farmers living in the town of Montour, in Schuyler county, and ask electric service at their farms for light and power purposes. A hearing was held at Ithaca March 23, 1918, at which it appeared that in order to afford the complainants service it would be necessary to build a transmission line about eighteen hundred feet in length, and that the complainants had already provided the necessary poles for constructing such line. The respondent did not wish to make the necessary expenditures for construction without some guaranty on the part of the complainants of the use of the service. It was finally stipulated that the complainants each agreed to guarantee the use of current equal in value to \$25 a year for each year, for a three-year period, and that the company accepted such agreement and would install such lines. It is therefore

Ordered: 1. That on the faith of the stipulation so made the respondent, within three months from the service of a copy of this order, shall construct a transmission line sufficient and adequate to afford the service required by the complainants, and shall thereafter maintain said line and furnish electric energy to the complainants at the regular tariff rates of the respondent.

2. Work need not, however, be commenced on the construction of such line

until both complainants shall either begin the actual wiring of their buildings or shall present to the respondent evidence that they have made contracts for such wiring to be completed within the time hereinabove mentioned.

3. The complainants and respondent shall notify the Commission within ten days after service of a copy of this order as to their acceptance thereof.

[Case No. 6394]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHTE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of WOODLAWN IMPROVEMENT ASSOCIATION TRANSPORTATION CORPORATION under section 55, Public Service Commissions Law, for authority to issue common capital stock *nunc pro tunc*, and also additional capital stock.

Petition filed March 19, 1918; amended petition filed March 28, 1918; report of division of capitalization dated April 3, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the issuance by the Woodlawn Improvement Association Transportation Corporation up to and including March 28, 1918, of \$8490 par value of its common capital stock, and the use of the proceeds realized from the sale thereof at par for working capital, is hereby authorized *nunc pro tunc*.

2. That the Woodlawn Improvement Association Transportation Corporation is hereby authorized to issue \$1510 par value of additional common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$1510.

3. That said stock of the par value of \$10,000 so authorized, or the proceeds thereof to the amount of \$10,000, shall be used solely and exclusively for working capital.

4. That the Woodlawn Improvement Association Transportation Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used therefor during such period of the proceeds of the stock herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds used or expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds used or expended the report shall set forth such fact.

5. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the corporation shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission

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the money procured and to be procured by the issue of stock herein authorized was and is reasonably required for the purpose described in this order, and that such purpose was not and is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6198]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of GROTON ELECTRIC POWER CORPORATION under section 68, Public Service Commissions Law, for permission to construct in the incorporated village of Groton, Tompkins county, an electric plant; and for approval of a franchise therefor received from said village. Also petition asking for reopening, and approval order.

By order dated October 23, 1917, this petition was denied because necessary action by the electors of the village, which owns a plant furnishing electricity to the public, had not been taken. This action has since been taken; and in accordance with the Opinion of the Commission herein, and on petition from said company, it is

Ordered: That this case is hereby reopened and a public hearing on this petition of Groton Electric Power Corporation for permission to construct an electric plant in the village of Groton, and for approval of the franchise therefor received from the village, is hereby set for Monday, April 15, 1918, 10 a. m., at the courthouse in the city of Ithaca.

[Case No. 6267]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of FRANK GALGANO, DOMINICK TELESKO, CHARLES LORD, and JOHN LAMBERT, JR., of New Rochelle, *against* WESTCHESTER LIGHTING COMPANY, asking that mains be laid and they be supplied with gas at their residences.

The above entitled proceeding having come on to be heard before Commissioner Barhite at the office of the Commission in the city of New York on the 4th day of April, 1918, and no one having appeared on behalf of the complainants, it is

Ordered: That the complaint in the above entitled proceeding be and the same is hereby dismissed and the case closed on the books of the Commission, without prejudice to the right of the complainants to apply to have the case reopened.

[Case No. 6287]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of the PRESIDENT AND TRUSTEES OF THE INCORPORATED VILLAGE OF SUFFERN, Rockland county, *against* SUFFERN GAS COMPANY, asking extensions of gas mains.

A hearing in the above entitled matter having been had before Commissioner Barhite at the office of the Commission in the city of New York on the 21st day of February, 1918, at which time the complainants appeared by S. G. Spoor, esq., their attorney, and by M. J. Sanford, esq., as chairman, and Messrs. M. A. Hallett and John Kocher as members of committee of board of trustees of the Village of Suffern, and by John R. Hunter, esq., chief of police of said village; and the respondent appeared by A. H. Kelsall, esq., its superintendent and general manager; and evidence having been taken, and the proceeding having been adjourned subject to the call of the Commissioner in charge; and an examination of the plan of the respondent having been made by the employees of the Commission, and a report made to the Commission; and the parties having again appeared, and certain suggestions having been made by the Commission with regard to saving expense in the operation of the plant, and to the effect that the village and the customers should pay at the rate of \$2 per thousand feet for gas, or \$1.90 net for a period of time not to exceed two years, and that the company should make the proper connections for all persons who might desire to use gas; and the parties having agreed to such suggestions, it is

Ordered: That this case be held open to give the parties, if they so desire, a further opportunity to consult the Commission, but that no further steps be taken by the Commission in this proceeding except upon the request of one of the parties.

[Case No. 6306]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1918.**Present:**

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of EDWARD STETSON GRIFFING, as mayor of New Rochelle, *against* WEST-CHESTER LIGHTING COMPANY, asking that gas lamps be furnished to light streets in Highland Park.

The above entitled proceeding having come on to be heard before Commissioner Barhite at the office of the Commission in the city of New York on the 4th day of April, 1918, and no one having appeared on behalf of the complainant, it is

Ordered: That the complaint in the above entitled proceeding be and the same is hereby dismissed and the case closed on the books of the Commission, without prejudice to the right of the complainant to apply to have the case reopened.

[Case No. 6324]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNEL,
Commissioners.

In the matter of the Complaint of the RESIDENTS OF
BATAVIA against LEHIGH VALLEY RAILROAD COMPANY
as to protection at crossing at grade of South Jackson
street and said railroad.

The above entitled matter having come on for a hearing before Commissioner Barhite at the common council chamber in the city of Batavia on the 8th day of February, 1918, at which time the complainants appeared by Newell R. Cone, esq., their attorney; and the respondent by T. R. Wheller, esq., its attorney, and L. P. Rossitor, esq., its division engineer; and after evidence had been taken, the hearing having been adjourned to March 2, 1918, at which time additional evidence was received; and the proceeding having then been held pending a conference between the parties; and it appearing from the evidence that the watchman stationed at the South Jackson Street crossing of the Lehigh Valley railroad at or near the southerly boundary of the city of Batavia should be on duty at night rather than in the daytime, it is

Ordered: That the Lehigh Valley Railroad Company be and it is hereby directed to keep a watchman on duty at the South Jackson Street crossing of its railroad at or near the southerly boundary of the city of Batavia between the hours of 6 p. m. and 6 a. m.

Further Ordered: That the gates now at said crossing shall be repaired, and during the hours a watchman is present shall be lowered across the highway before any train approaches to a point 1000 feet distant from said crossing. A lighted red light shall be attached to the end of one of the arms of said gates during the hours a flagman is on duty.

Further Ordered: That no obstruction which will interfere with the view along the tracks of the respondent toward the west shall be placed between said tracks and the building owned by the City of Batavia adjacent to said crossing, and no car shall be allowed to stand upon the switching track adjacent to said building east of the boiler room, so called, in said building.

Further Ordered: That whenever a flagman shall not be on duty a sign shall be displayed, and with letters sufficiently large so that the same may be easily read in the roadway for a distance of at least two hundred feet when approaching from either direction. Said sign shall bear the words upon each side "Gateman not on duty".

Further Ordered: That the Lehigh Valley Railroad Company shall notify this Commission within ten days after the receipt of a copy of this order whether the terms of the order are accepted and will be obeyed.

[Case No. 6392]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Joint Petition of THE NEW YORK,
CHICAGO AND ST. LOUIS RAILROAD COMPANY, WESTERN
NEW YORK AND PENNSYLVANIA RAILWAY COMPANY,
and THE PENNSYLVANIA RAILROAD COMPANY under
sections 148, Railroad Law, and 54, Public Service
Commissions Law, as to joint use of railroads between
Buffalo and Brocton.

The New York, Chicago and St. Louis Railroad Company, the Western New York and Pennsylvania Railway Company, and The Pennsylvania Railroad Company having made application to this Commission for approval of an agreement entered into by the petitioners, dated December 12, 1917, and providing in substance for the operation by said petitioners jointly of two railroads, one owned and operated by said The New York, Chicago and St. Louis Railroad Company between the city of Buffalo and the village of Brocton, N. Y., and the other parallel with and contiguous to the first named railroad and owned by the petitioner, Western New York and Pennsylvania Railway Company, and operated by the petitioner, The Pennsylvania Railroad Company, between the above named points.

And the application having come on to be heard before Commissioner Barhite at the office of the Commission in the city of Buffalo on the 29th day of March, 1918, at which time The Pennsylvania Railroad Company appeared by Frank Rumsey, esq., its counsel, and by J. J. Rhodes, esq., its superintendent; and The New York, Chicago and St. Louis Railroad Company appeared by C. E. Denney, esq., assistant to the president. And it appearing from the evidence that the joint operation of the two railroads between the points named will tend toward safety in operation and will increase the capacity of the lines and will give additional facilities to shippers. And the contract between said railroads dated December 12, 1917, and attached to the papers in this proceeding having been approved by the chief of division of steam railroads; and the chief of the division of capitalization having made report that there is no defect in the agreement except in the use of certain obsolete terms which is not a serious defect, it is

Ordered: That the approval of this Commission be and the same is hereby granted to the contract entered into between the petitioners in this proceeding, dated December 12, 1917, and providing for the joint use of a railroad owned and operated by The New York, Chicago and St. Louis Railroad Company and a railroad owned by the Western New York and Pennsylvania Railway Company and operated by The Pennsylvania Railroad Company, between the city of Buffalo and the village of Brocton, and permission is hereby granted to operate said railroads according to the terms of said contract.

Further Ordered: That the valuations referred to in said contract are for use in said contract only, and that the use of certain stated figures therein shall not prevent this Commission from making other findings of value in connection with any other proceeding.

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[Case No. 6404]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of WILLIAM J. HOWDEN under chapter 667, laws of 1915, for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Newburgh, it being proposed that the route shall also be operated to the incorporated village of Montgomery, Orange county.

William J. Howden asks for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Newburgh and the incorporated village of Montgomery, Orange county. The consent of the municipal authorities of the City of Newburgh was granted March 11, 1918, subject to certain terms and conditions. A public hearing was held in Albany on April 10, 1918, at which Mr. Peter Cantline appeared for Mr. William J. Howden. It was stipulated at said hearing that no passengers would be carried by petitioner from one point to another within the city of Newburgh. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by William J. Howden of auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Newburgh, a copy whereof is attached to the petition herein, from a point beginning in the city of Newburgh in Front street, Third street, Water street, Colden street, and Broadway to the city line, to be operated only as a part of a line from the city of Newburgh to the incorporated village of Montgomery, Orange county, but not to carry passengers locally from one point to another point within said city of Newburgh. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Newburgh, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 6411]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY under section 55, Public Service Commissions Law, for authority to issue \$1,500,000 in consolidated mortgage 4½ per cent bonds.

Petition filed April 12, 1918; report of division of capitalization dated April 15, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to issue \$1,500,000 face value of its 4½

per cent 50-year consolidated mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of May, 1907, given to the Central Trust Company of New York as trustee, to secure an authorized issue of bonds of a total face value of \$35,000,000.

2. That none of such bonds herein authorized to be issued shall be sold without the further order of this Commission.

3. That the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to pledge all or any part of the \$1,500,000 face value of the bonds herein authorized as collateral security for its short-term loans provided that the following prohibitions are observed: (a) That the principal of such loans for which said bonds are pledged shall in no event be less than 66⅔ per cent of the face value of the bonds pledged as collateral security therefor; (b) that said bonds shall not be pledged for a greater period than one year from the date of this order without the further order of this Commission; (c) that the actual cost of the money to be procured through the issuance of the short-term loans above mentioned shall not be greater than 6 per cent per annum.

4. That the proceeds of the loans for which bonds are herein authorized to be pledged shall be used solely and exclusively to defray the cost of additions and betterments made and to be made to the property of the petitioner as detailed in schedule A of the petition herein.

5. That the Buffalo, Rochester and Pittsburgh Railway Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what if any bonds have been pledged during such period; (b) the dates of such pledgings; (c) with whom such bonds were pledged; (d) the principal, term, and interest rate of each loan for which such bonds are pledged; (e) the total face value of bonds herein authorized which remain pledged as collateral security for said loans on the closing date of such period; (f) any other terms and conditions of such transactions; (g) the amount of note proceeds expended during such period for each of the purposes set forth in said schedule A of the petition herein and the account or accounts under the Classification of Investment in Road and Equipment of Steam Roads to which such expenditures have been charged, giving all details of any credits to road and equipment in connection with such expenditures. Such reports shall continue to be filed until the proceeds of all of the loans secured as herein authorized shall have been used for the purpose specified in this order.

6. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and that within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured through the issue of said bonds herein authorized to be issued is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

168 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the use of oil-burning locomotives on the Adirondack division of the New York Central and Hudson River railroad (now The New York Central Railroad Company), and on the Carthage and Adirondack branch of the St. Lawrence division of said railroad.

The New York Central Railroad Company having by letter dated April 12, 1918, requested the postponement of the effective date of the order of this Commission of April 1, 1909, forbidding the use of coal-burning locomotives between the hours of 8 a. m. and 8 p. m. from April 15th, to some date hereafter, because of the recent heavy snowfall; and representatives of this Commission having observed said snowfall; and the Conservation Commission having advised this Commission by letter dated April 13, 1918, that it has no objection to the postponement of the effective date from April 15th to April 20th; and having subsequently advised the chief of division of steam railroads by telephone that said period should not extend beyond April 17th; and Commissioner Fennell, by letter dated April 13th addressed to the general manager of said corporation, having granted permission to said corporation to use coal-burning locomotives during the daylight hours above named until April 17th, now therefore

Ordered: That permission be and hereby is given The New York Central Railroad Company to use coal-burning locomotives within the Forest Preserve between the hours of 8 a. m. and 8 p. m. for the period from April 15, 1918, to April 17, 1918, inclusive; and the action of Commissioner Fennell be and the same is hereby ratified and approved.

[Case No. 4877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of GRASSE RIVER RAILROAD CORPORATION under section 9 of the Railroad Law, section 53 of the Public Service Commissions Law, and section 89 of the Railroad Law.

Supplemental order as to coal-burning locomotives.

The Grasse River Railroad Corporation having by letter dated April 12, 1918, requested the postponement of the effective date of the order of this Commission of November 23, 1915, forbidding the use of coal-burning locomotives between the hours of 8 a. m. and 8 p. m. from April 15th, to some date

hereafter, because of the recent heavy snowfall; and representatives of this Commission having observed said snowfall; and the Conservation Commission having advised this Commission by letter dated April 13, 1918, that it has no objection to the postponement of the effective date from April 15th to April 20th; and having subsequently advised the chief of division of steam railroads by telephone that said period should not extend beyond April 17th; and Commissioner Fennell, by letter dated April 13th addressed to the president of said corporation, having granted permission to said corporation to use coal-burning locomotives during the daylight hours above named until April 17th, now therefore

Ordered: That permission be and hereby is given the Grasse River Railroad Corporation to use coal-burning locomotives within the Forest Preserve between the hours of 8 a. m. and 8 p. m. for the period from April 15, 1918, to April 17, 1918, inclusive; and the action of Commissioner Fennell be and the same is hereby ratified and approved.

[Case No. 5850]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 17th day
of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the OGDENSBURG STREET
RAILWAY COMPANY under subdivision 10, section 8,
Railroad Law, for authority to make a mortgage for
\$50,000, and to issue now \$50,000 in 5 per cent 25-year
bonds to be secured thereby.

Petition filed December 30, 1916; report of division of capitalization dated May 8, 1917 (filed in case No. 5851); report of division of steam roads dated June 25, 1917; report of division of capitalization dated April 17, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Commission, without prejudice to the right of the petitioner herein to reopen the same at any future date.

170 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5885]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the **ERIE RAILROAD COMPANY** under subdivision 10, section 8 of the Railroad Law, for consent to the issuance of a refunding and improvement mortgage for \$500,000,000.

Petition filed January 26, 1917; hearing held February 14, 1917; final form of proposed mortgage filed August 14, 1917; order entered August 21, 1917; supplemental petition filed April 11, 1918; report of division of capitalization dated April 15, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized to execute and deliver to the Bankers Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a first supplement dated April 1, 1918, to its refunding and improvement mortgage dated December 1, 1916, which secures an authorized issue of bonds in the aggregate amount of \$500,000,000 face value, a copy of which supplement has been filed with the Commission; and that the form thereof so filed is hereby approved.

2. That upon the execution and the delivery of said supplement so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the supplement as executed and delivered is the same as that herein approved by the Commission.

[Case No. 6103]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the complaint under section 71, Public Service Commissions Law, of the **MAYOR OF AMSTERDAM** against **CHUCTANUNDA GAS LIGHT COMPANY** as to increased price to be charged for gas.

This complaint was served and the answer of the company received. Under date of March 25, 1918, the Commission was informed by the corporation counsel of Amsterdam that "The City of Amsterdam does not desire to proceed with the hearing of this case at this time. Please have the matter held until you hear further from me." Upon further inquiry of the corporation counsel he informed the Commission that "It will be entirely agreeable, so far as the City of Amsterdam is concerned, to have this case marked closed without prejudice". Therefore it is

Ordered: That this case is hereby closed on the records of the Commission, without prejudice to its being reopened upon application by the mayor of Amsterdam.

[Case No. 6191]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of HENRY NORDHEIM against NEW YORK TELEPHONE COMPANY as to service rendered the public, as to contract for limited number of calls, and as to form of coin-box telephone in Bronx county, New York city.

Complainant alleges: first, that the telephone service rendered by the New York Telephone Company in the county of Bronx is inadequate because of an insufficient plant and shortage of operators; second, that the service contract of the company is unjust in that no refund is allowed in case the minimum number of messages is not used; and third, that certain coin machines deceive and cause a loss to the public. In this case, both the complainant and his witnesses were at disadvantage because they naturally could not be expected to be conversant with the very complex equipment and intricate operating details that are necessarily involved in rendering telephone service in a great city. They do know very definitely about certain failures in their efforts to obtain certain services, but had no exact knowledge concerning the causes for such failures nor their relative importance and significance. It is quite natural that the complainant should conclude that the company had failed to provide sufficient help and equipment, and assign such shortages as the cause of his trouble. A number of witnesses testified as to certain instances of service failures of various kinds, but for the most part were unable to determine whether the failures were owing to some fault assignable to the company or the failure on the part of parties called to answer their calls. There is no doubt that instances cited actually occurred and caused irritation and inconvenience, and there is no doubt as to the sincerity of complainant and witnesses, and that many more similar cases might be truthfully stated by others who in the every day use of the telephone service have encountered difficulties of one kind or another. Aside from these instances of service failures, the complainant had little evidence to submit. The respondent was required to produce statistical information relative to the number of subscribers, number of central offices, and the number and experience of its operators. From this information and the evidence submitted by the respondent it was shown that there was no essential relation between the number of subscribers served and the number of central offices required to serve them, except as the maximum capacity of the central offices has been reached. It was further shown that there is an ample margin in the capacities of the several central offices serving the Bronx. It was also shown that there had been no discrimination against the Bronx in the employment of inexperienced operators, and that the operator's load was not unusual.

The matter of the contract requirement, that a certain minimum number of messages be paid for whether used or not, can not at this time be reviewed. The practice complained of is included in the schedule which was fixed by this Commission to be effective July 1, 1915, and to remain in force and effect three years from that date. Any action on this subject must await a general revision of rates.

The coin machines alleged to be deceptive were found to be confined to the one central office located on and within City Island, in connection with a small magneto exchange where the type of coin-box must necessarily be different from that in use elsewhere in the city. There are about 32 of these coin-boxes which might cause some confusion to those who are accustomed to use another type, provided they did not read the instructions attached to the boxes. The respondent, however, gave assurance that this central office was now in process of being changed to conform with the apparatus in use in the rest of the city, and anticipates the completion of this work within the next two months.

Anticipating the difficulties of the complainant in bringing forward technical evidence, the Commission has in connection with this case caused a careful examination of the telephone service in the Bronx to be made by its own experts, with the view of ascertaining whether there is need of changing the proceeding and making an investigation upon its own motion. While inspections are being made by the employees of the Commission constantly throughout the entire city, special attention has been given to the service in the Bronx. For some months past the telephone service has suffered, and has, generally speaking, been below the previous standard. The causes for this have been carefully traced, the investigation reaching to the company's school for operators, the general conditions of employment, and the unusual difficulties in securing materials and equipment. The net result of this shows that the New York Telephone Company is alive to the situation, and has so far been able to maintain a fairly good grade of service throughout the city. There is a tremendous volume of traffic handled successfully, and the observation of the Commission's inspectors covering many thousands of calls do not disclose faults and operating errors in such numbers as to warrant severe criticism. Mistakes on the part of operators and failures of service for numerous reasons must be expected, but the relative number of such errors and faults is very small in comparison with the bulk of traffic which is successfully and satisfactorily handled. That there is room for improvement, even the telephone company itself does not deny. The Commission, however, recognizes that the company has had unusual conditions to contend with and that it has so far expended its best efforts to meet the situation. The Commission, through its inspections, will use its efforts to cure remediable defects in service as they may appear. It is therefore

Ordered: That the case be and the same hereby is closed on the records of the Commission.

[Case No. 6198]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of GROTON ELECTRIC POWER CORPORATION under section 68, Public Service Commissions Law, for permission to construct in the incorporated village of Groton, Tompkins county, an electric plant; and for approval of a franchise therefor received from said village. Also Petition asking for reopening and approval order.

This petition for permission to construct an electric plant, and for approval of a franchise therefor received from the Village of Groton, was by order

made October 23, 1917, denied, because it appeared that the village owned a municipal lighting system, and while the village board had made a lease thereof to the petitioner, the lease had not received the sanction of a vote of the electors, and was therefore void; and that the petitioner, while in actual possession, could not be lawfully in possession under the lease, but at most as agent of the village which was therefore still using the system. It followed that a franchise could not be given petitioner without a vote of the electors. See *Petition of Groton Electric Power Corporation*, VI P. S. C. 2 N. Y. 312. It having been made to appear that an election has since been held whereat the electors by a large majority authorized said lease, the case was reopened and a public hearing held at Ithaca April 15, 1918, at which Edward H. Bostwick of Ithaca appeared for the petitioner, and no one appeared in opposition. The case was submitted on the papers herein and on the records of the Commission in other cases in which the petitioner has been concerned. On consideration thereof, it is determined and stated that the construction of said electric plant and the exercise of franchise granted by the Village of Groton September 12, 1917, are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Groton Electric Power Corporation, under section 68 of the Public Service Commissions Law, to erect and maintain in any of the streets, avenues, lanes, highways, public alleys, and public places except public buildings, in the village of Groton, N. Y., poles, lines, wires, insulators, transformer arms, braces, and all other necessary and usual attachments and devices, and to suspend from such poles and wires electric lights for street lighting and other purposes, and to connect said wires with and install said lights in all public and private buildings and places in said village for the purpose of lighting the same with electricity, and to transmit over said wires such electric current at any and all times as shall be required and necessary and proper for such street lighting, and for lighting public and private buildings and places; and also such electricity and electric current over the wires aforesaid for the purpose of furnishing heat and power in and for any of the public or private buildings and places of said village, in accordance with the terms and provisions of the franchise aforesaid.

2. That the permission and approval of the Commission be given to said Groton Electric Power Corporation to exercise the rights and privileges conferred by said franchise, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 6255]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of ARTHUR PINOVER of Brooklyn against NEW YORK TELEPHONE COMPANY as to charge of 50 per cent of the rental charge during suspension of telephone service.

This complaint was served on the company and answered, and a date for hearing set; before the date set, representative of complainant asked that the

hearing be postponed because of complainant's absence. The hearing was postponed, and nothing further was heard from complainant. Under date of April 3rd the Commission notified the complainant it was ready to hear this case in New York city at a time convenient to him, adding that if the Commission did not hear from him on or before April 10th it would assume that the complaint has been satisfied and enter a closing order. Complainant did not reply to this letter. It is therefore

Ordered: That this case is hereby closed on the records of the Commission.

[Case No. 6290]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of RESIDENTS OF ST. REGIS FALLS, MOIRA, AND OTHER PLACES *against* THE NEW YORK CENTRAL RAILROAD COMPANY as to proposed discontinuance of two trains on the Ottawa division.

The above entitled case having come on to be heard before Commissioner Barhite at the office of the Commission in the city of Albany, New York, on the 20th day of February, 1918; at which time Alexander MacDonald, esq., Deputy Conservation Commissioner, appeared for the complainants; W. L. Allen, esq., appeared as attorney for The New York Central Railroad Company; and S. R. Payne, Ottawa, Ontario, Canada, appeared as manager of the New York Central Lines in Canada. And evidence having been taken on behalf of the complainants; and respondent having been heard in the matter, and having promised to restore the train service as far south as Santa Clara on or before April 1, 1918; and the representative of the complainants having expressed himself as satisfied with such stipulation on the part of the railroad, the matter was adjourned until the 16th of April, at 2 o'clock p. m., at the office of the Commission in the city of Albany, New York, with the understanding that the case would be further heard at that time if the arrangement made at the hearing did not appear to be satisfactory, and that if nobody appeared at said adjourned hearing the complaint should be dismissed and the case closed on the books of the Commission; and no one appearing before the Commission either on behalf of the complainants or respondent on the return day at the time and place named, it is

Ordered: That the complaint in this proceeding be and the same is hereby dismissed and the case closed on the books of the Commission.

[Case No. 6409]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the TROY AUTO CAR COMPANY, INC., under section 55, Public Service Commissions Law, for authority to issue common capital stock *nunc pro tunc* on or about June 15, 1915, and for authority to issue additional common capital stock.

Petition filed April 6, 1918; report of division of capitalization dated April 15, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the issuance by the Troy Auto Car Company, Inc., up to and including June 15, 1915, of \$12,900 par value of its common capital stock, and the use of the proceeds realized from the sale thereof at par for the purchase of auto buses and other property, is hereby authorized *nunc pro tunc*.

2. That the Troy Auto Car Company, Inc., is hereby authorized to issue \$12,100 par value of additional common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least that amount.

3. That said stock of the par value of \$12,100 so authorized, or the proceeds thereof which shall not be less than \$12,100, shall be used solely and exclusively for the construction of a garage and for the purchase of an additional auto bus.

4. That the Troy Auto Car Company, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) in detail the amount of proceeds expended during such period for the purposes specified herein. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended the report shall set forth such fact.

5. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the corporation shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money procured and to be procured by the issue of stock herein authorized was and is reasonably required for the purposes described in this order, and that such purposes were not and are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5308]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to execute a first refunding and improvement mortgage, issue \$775,000 in 5 per cent 30-year gold bonds to be secured thereby, and to issue \$300,000 6 per cent cumulative preferred stock.

Third
amendatory
order.

Petition filed November 29, 1915; amended petition filed December 18, 1915; certificate of increase of capital stock and classification of such increase filed February 4, 1916; stipulation dated March 7, 1916; proposed form of mortgage marked "Final Draft" filed March 17, 1916; preliminary report of division of capitalization dated March 20, 1916; hearing held March 27, 1916; report of division of capitalization dated April 3, 1916; orders entered April 11 and August 16, 1916; second amended petition (letter) dated February 13, 1918; report of division of capitalization dated February 15, 1918; amended order entered March 5, 1918; third amended petition filed April 12, 1918; report of division of capitalization dated April 22, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order herein dated April 11, 1916, is hereby amended in such manner as to permit the Binghamton Light, Heat and Power Company to pledge all or any part of \$18,000 face value of the 5 per cent 30-year first refunding and improvement mortgage gold bonds therein authorized to be sold for not less than 90 per cent of their face value, as collateral security for short-term loans, provided that the following prohibitions are observed: (a) That the principal of such loans for which said bonds are pledged shall in no event be less than 80 per cent of the face value of the bonds pledged as collateral security therefor; (b) that said bonds shall not be pledged for a greater period than one year from the date of this order without the further order of this Commission; (c) that the actual cost of the money to be procured through the issuance of the short-term loans above mentioned shall not be greater than 6 per cent per annum.

2. That the proceeds of the loans, aggregating \$14,400, for which bonds are herein authorized to be pledged, shall be used solely and exclusively for the purpose for which the proceeds of the bonds, if sold, were authorized to be used, viz., the reacquisition of the first refunding mortgage 5 per cent gold bonds of the petitioner outstanding at September 30, 1915, or for the reimbursement of the treasury of the company for moneys used for that purpose.

3. That the Binghamton Light, Heat and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what if any bonds have been pledged during such period; (b) the dates of such pledgings; (c) with whom such bonds were pledged; (d) the principal, term, and interest rate of each loan for which such bonds are pledged; (e) the total face value of bonds herein authorized to be pledged which remain pledged as collateral security for said loans on the closing date of such period; (f) any other terms and conditions of such transactions; (g) the amount of note proceeds expended during such period for the reacquisition of the outstanding 5 per cent first refunding mortgage bonds of the petitioner or for the reimbursement of its treasury for expenditures for that purpose.

Such reports shall continue to be filed until the proceeds of all of the loans secured as herein authorized shall have been used for the purpose or purposes specified in this order.

4. That in all other respects the terms and conditions of the previous orders of the Commission in this proceeding shall remain in full force and effect.

[Case No. 5845]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the LONG ISLAND LIGHTING COMPANY under section 70, Public Service Commissions Law, for authority to buy all of the outstanding capital stock and mortgage bonds of the Sag Harbor Electric Light and Power Company; under subdivision 3, section 61, Transportation Corporations Law, and section 70, Public Service Commissions Law, for consent that then the first named company may merge with itself the second named company under section 15, Stock Corporation Law; and under section 69, Public Service Commissions Law, for authority to the Long Island Lighting Company to issue \$25,000 common capital stock, \$34,000 first mortgage 5 per cent 25-year gold bonds, and to make a supplement to its mortgage.

Petition filed December 29, 1916; report of division of capitalization dated July 18, 1917; report of division of light, heat, and power dated August 31, 1917; report of division of capitalization dated April 22, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Commission, without prejudice to the right of the petitioner herein to reopen the same at any future date.

178 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6267]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaints of FRANK GALGANO,
DOMINICK TELESKO, CHARLES LORD, and JOHN LAM-
BERT, JR., of New Rochelle *against* WESTCHESTER
LIGHTING COMPANY, asking that mains be laid and
they be supplied with gas at their residences.

The above entitled action having been closed upon the books of this Com-
mission without prejudice to the right of the complainants to reopen the same,
and it appearing that the attorney for said complainants has recovered his
health, it is

Ordered: That the above entitled case be and the same is hereby reopened,
and the same may be set down for hearing by the Commissioner in charge.

[Case No. 6306]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of EDWARD STETSON
GRIFFING, as Mayor of New Rochelle, *against* WEST-
CHESTER LIGHTING COMPANY, asking that gas lamps
be furnished to light streets in Highland Park.

The above entitled action having been closed upon the books of the Com-
mission without prejudice to the right of the complainant to apply to have
the same reopened, and the corporation counsel of the City of New Rochelle
having written to this Commission to the effect that the facts in the case are
the same as those in case No. 6267, it is

Ordered: That the above entitled case be and the same is hereby reopened,
and the same may be set down for hearing by the Commissioner in charge.

[Case No. 6341]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of MORGAN TOPPING AND
OTHERS against THE LONG ISLAND RAILROAD COM-
PANY as to discontinuance of the Wainscott station on
said company's railroad, in Suffolk county.

The above entitled case having come on for hearing before Commissioner
Barhite at the office of the Commission in the city of New York on the 3rd
day of April, 1918, and due notice of said hearing having been given to the
complainants and respondent; and the case having been duly called and no
one appearing on behalf of the complainants or the railroad company, it is

Ordered: That the complaint in the above entitled case be and the same
is hereby dismissed and the case closed on the books of the Commission.

[Case No. 1022]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the ROCKLAND LIGHT
AND POWER COMPANY under section 69 of the Public
Service Commissions Law for authority to issue
\$100,000 in bonds to be secured by an existing
mortgage.

Supplemental
order.

Petition filed July 24, 1909; hearing held July 27, 1909; order entered
July 29, 1909; supplemental petition (letter) filed March 25, 1918; report of
division of capitalization dated April 24, 1918. Now therefore, upon the
foregoing record,

Ordered: That the order herein dated July 29, 1909, is hereby modified
and amended to authorize the Rockland Light and Power Company to issue
\$55,000 face value of 5 per cent mortgage bonds, and to use said bonds or their
proceeds for purposes authorized therein, as amended by order dated August
7, 1911, in case No. 2428; and the authorization to issue \$45,000 face amount
of such bonds in addition thereto for the discharge of a like amount of former
Nyack Gas Light and Fuel Company bonds is hereby vacated.

180 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4428]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of JAMES T. LENNON, as Mayor of the City of Yonkers, *against* THE YONKERS ELECTRIC LIGHT AND POWER COMPANY as to prices charged residents for electricity.

This is a complaint by James T. Lennon, as mayor of the City of Yonkers, complaining that the prices charged for electricity are unjust and unreasonable. Case No. 4429 is a similar complaint, in relation to the prices for gas. Case No. 5256 is a complaint of the Committee of Public Expenditures of the Yonkers Chamber of Commerce relating to the electric rates. Hearings were held at which it appeared that the matters in question were involved in certain pending litigation, and a stipulation was entered into whereby consideration of the cases was to be postponed until the final result of such litigation. The Commission is informed that in the present national emergency complainant is willing that an order should be entered as hereinafter stated. It is therefore

Ordered: That this case be and the same hereby is closed, with leave to reopen at any time upon request.

[Case No. 4429]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of JAMES T. LENNON, as Mayor of the City of Yonkers, *against* WESTCHESTER LIGHTING COMPANY as to price charged residents for gas.

This is a complaint by James T. Lennon, as mayor of the City of Yonkers, complaining that the prices charged for gas are unjust and unreasonable. Case No. 4428 is a similar complaint in relation to the prices for electricity. Case No. 5256 is a complaint of the Committee of Public Expenditures of the Yonkers Chamber of Commerce relating to the electric rates. Hearings were held at which it appeared that the matters in question were involved in certain pending litigation, and a stipulation was entered into whereby consideration of the cases was to be postponed until the final result of such litigation. The Commission is informed that in the present national emergency complainant is willing that an order should be entered as hereinafter stated. It is therefore

Ordered: That this case be and the same hereby is closed, with leave to reopen at any time upon request.

[Case No. 5256]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of COMMITTEE ON PUBLIC
EXPENDITURES OF THE YONKERS CHAMBER OF COM-
MERCE against THE YONKERS ELECTRIC LIGHT AND
POWER COMPANY.

This is a complaint by the Committee of Public Expenditures of the Yonkers Chamber of Commerce complaining that the prices charged for electricity are unjust and unreasonable. Case No. 4428 is a complaint by James T. Lennon, as mayor of the City of Yonkers, complaining as to prices charged for electricity. Case No. 4429 is a similar complaint in relation to the prices for gas. Hearings were held at which it appeared that the matters in question were involved in certain pending litigation, and a stipulation was entered into whereby consideration of the cases was to be postponed until the final result of such litigation. The Commission is now informed by counsel for the complainants that in the present national emergency they do not deem it proper to proceed. Information to similar effect has been received from the city. It is therefore

Ordered: That this case be and the same hereby is closed on the records of the Commission, with leave to reopen at any time upon request.

[Case No. 6038]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of WM. J. FARRELL and JOHN ROSE under chap-
ter 667 of the laws of 1915 for a certificate of public
convenience and necessity for the operation of a stage
route by auto buses in the city of Canandaigua, it
being proposed that the route shall also be operated
between Canandaigua and the incorporated village of
Palmyra, Wayne county.

June 21, 1917, the Commission granted a certificate of public convenience and necessity to William J. Farrell and John Rose for the operation of a stage route by auto buses in the city of Canandaigua. The grantees of the certificate now petition the Commission for its consent to the assignment by William J. Farrell and John Rose to Harold R. Galbraith of the interest of said Farrell and Rose in said certificate. The Commission has been informed that the consent of the city to such assignment has been obtained through its common council. A copy of the resolution of the common council dated February 21, 1918, is on file with the petition herein. It is therefore

Ordered: That the consent of the Commission be and hereby is given to the assignment by William J. Farrell and John Rose of the interest of said Farrell and Rose in the certificate of public convenience and necessity granted by the Commission to said William J. Farrell and John Rose June 21, 1917.

[Case No. 6279]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK LEVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the STATE TELEPHONE COMPANY under section 101, Public Service Commissions Law, for authority to issue a first mortgage for \$50,000, and to issue now \$20,000 in 6 per cent 20-year gold bonds to be secured thereby.

Petition filed November 28, 1917; report of division of telegraphs and telephones dated March 22, 1918; report of division of capitalization dated April 23, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated April 23, 1918, a copy of which shall be served upon the corporation, such entries being listed in exhibit B, pages 4 and 5 thereof, shall be entered upon the books of the State Telephone Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the State Telephone Company is hereby authorized to execute and deliver to The Albany Trust Company of Albany, New York, as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of October, 1917, to secure an issue of first mortgage 20-year gold coupon bonds to the aggregate amount of \$50,000 face value, bearing interest at the rate of 6 per cent per annum, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission, and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

4. That the State Telephone Company is hereby authorized to issue \$20,000 face value of its first mortgage 6 per cent 20-year gold coupon bonds under the aforesaid mortgage.

5. That said bonds of the total face value of \$20,000 may be sold for not less than their face value to realize net proceeds of at least that amount.

6. That the proceeds of said bonds so authorized, which shall not be less than \$20,000, shall be applied solely and exclusively toward the discharge of

indebtedness outstanding at October 1, 1917, as detailed in schedule A of the petition herein, or the renewals thereof, \$23,507.32: amount unprovided for, \$3507.32.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the State Telephone Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the State Telephone Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold during such period; (b) the dates of such sales; (c) to whom such bonds were sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) in detail the amount expended during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

9. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no bonds shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such bonds be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6352]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of RESIDENTS OF BINGHAMTON AND JOHNSON CITY *against* BINGHAMTON RAILWAY COMPANY as to proposed stopping of sale of certain passenger tickets; and on the Commission's own initiative.

Supplemental
order
No. 1.

It appearing that by order dated February 20, 1918, this Commission entered upon a hearing concerning the propriety of the discontinuance of the sale of

certain reduced rate tickets, such discontinuance proposed to be effective February 25, 1918, and effected by a tariff entitled "P. S. C., 2 N. Y., No. 8"; and that pending such hearing and decision the Commission ordered the portion of said tariff which proposed to effect such stoppage of sale of such reduced rate tickets suspended until and including April 30, 1918, or the prior determination of this Commission of the reasonableness of said action; and it further appearing that an extension of time has been asked by the interested parties to give them further opportunity to adjust their differences, the matter can not be concluded within the period of suspension above stated, it is

Ordered: That the operation of that portion of the tariff P. S. C., 2 N. Y., No. 8, which proposes to effect such stoppage of sale of such reduced rate tickets as specified in said order of February 20, 1918, be further suspended until and including the 29th day of June, 1918, unless otherwise ordered by the Commission.

It is further Ordered: That a copy of this order be filed with said tariff in the office of this Commission; that copy hereof be forthwith served upon the respondent carrier in this proceeding; and that such respondent carrier shall publish and file a proper tariff amendment containing notice of this suspension order.

[Case No. 6401]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of WATERVILLE GAS AND ELECTRIC COMPANY under section 68, Public Service Commissions Law, for permission to construct an electric plant in the second election district of the town of Marshall, Oneida county.

The Waterville Gas and Electric Company seeks permission to construct an electric plant in the second election district of the town of Marshall, in Oneida county, and for approval of the exercise of a franchise for that purpose granted by the town board February 18, 1918. A public hearing was held in Syracuse April 19, 1918, at which Bert H. Shepard, the president of the applicant, appeared on its behalf, and no one appeared in opposition. The applicant now maintains an electric plant in the village of Waterville which is partly in the town of Marshall, and this franchise is for the purpose of extending its lines into the adjoining portion of the town. It is determined and stated that the construction of said electric plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Waterville Gas and Electric Company, under section 68 of the Public Service Commissions Law, to erect, place, maintain, and replace electric light poles, conduits, wires, and necessary fixtures therefor, in, over, under, and upon any of the streets, highways, roads, avenues, lanes, and public grounds of the second election district of the town of Marshall, Oneida county, now in use or hereafter opened and used in said town, and to install, maintain, and operate an electric light plant and necessary equipment in said town; and to furnish electricity for light, heat, and power therein; and to use the poles,

conduits, wires, and electric light plant so to be constructed for the purpose of producing, furnishing, and selling electricity for light, heat, and power to said portion of said town and to inhabitants desiring to contract for same, and to use said lines so erected to transmit electricity for light, heat, and power beyond the bounds of said town, according to the terms and provisions of said franchise.

2. That the permission and approval of the Commission be given to said Waterville Gas and Electric Company to exercise the rights and privileges conferred by said franchise, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 6405]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of SYRACUSE LIGHTING COMPANY under section 68, Public Service Commissions Law, for permission to construct an electric plant in the town of Geddes, Onondaga county, and approval of the exercise of a franchise received from the town.

The applicant asks permission to construct an electric plant in the town of Geddes, Onondaga county, and the approval of the exercise of a franchise granted by the town board September 25, 1917. A public hearing was held in Syracuse April 19, 1918, at which Crandall Melvin appeared as attorney for the applicant, and Lamont Stillwell as attorney for the Town of Geddes, in support of the application; and no one appeared in opposition. A line was constructed about a year ago in the town of Geddes without any franchise and without the consent of this Commission, but by direction of the United States Government in order to supply electric energy to a military camp then maintained by the Government in the town. It is desired to continue the operation of this line and to make further extensions within the town as demand for electric energy may appear. In order therefore to legalize the existing construction and to permit such extensions, the present franchise was obtained and this application has been made. It is determined and stated that the construction of said electric plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Syracuse Lighting Company, under section 68 of the Public Service Commissions Law, to construct, operate, and maintain for a period of ten years, poles, wires, conduits, pipes, and other fixtures or structures necessary for the conduction or transmission of currents of electricity over, along, across, or under any of the highways of the town of Geddes for any purpose.

2. That the permission and approval of the Commission be given to said Syracuse Lighting Company to exercise the rights and privileges conferred by said franchise, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

186 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6235]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNEL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the JORDAN ELECTRIC LIGHT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$25,000 capital stock. Also amended petition.

Petition filed October 19, 1917; reports of the division of light, heat, and power dated November 14, 1917, and January 10, 1918; supplemental petition filed April 1, 1918; supplemental report of the division of light, heat, and power dated April 24, 1918; report of division of capitalization dated April 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Jordan Electric Light and Power Company is hereby authorized to issue \$25,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$25,000.

2. That the proceeds of said stock so authorized, which shall not be less than \$25,000, shall be used solely and exclusively for the following purposes:

(a) For the completion of construction work at Jordan, Elbridge, Warner, and Hartlot, as detailed in schedule C of the amended petition filed herein on the 1st day of April, 1918, as follows:		
Line transformers and devices.....	\$300.00	
Poles and fixtures	600.00	
Overhead distribution system	550.00	
Electric meters	75.00	
Municipal street lighting system.....	75.00	
Engineering and superintendence	200.00	
		\$1,800.00
(b) For the discharge of indebtedness outstanding at December 31, 1917, as follows, or the renewals thereof:		
Bills payable	\$16,000.00	
Other accounts payable	6,450.00	
		22,450.00
(c) For working capital		750.00
		<hr/> \$25,000.00

3. That the Jordan Electric Light and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) with respect to subdivision (a) of clause No. 2 of this order there shall be shown (1) in detail the amount expended during such period of the proceeds of the stock herein authorized for each of the purposes specified therein and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (g) with respect to subdivision (b) of clause No. 2 of this order there shall be shown in detail the amount expended therefor of the proceeds of the stock herein authorized; (h) with respect to subdivision (c) of clause No. 2 of this order there shall be shown the amount used therefor of the proceeds of the stock herein authorized. Such reports shall continue to

be filed until all of said stock shall have been sold and the proceeds expended or used in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended or used the report shall set forth such fact.

4. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6252]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 30th day
of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the NORTHWESTERN
TELEPHONE CORPORATION under section 101, Public
Service Commissions Law, for authority to make a
first mortgage for \$500,000, and to issue now \$69,000
in 5 per cent gold bonds to be secured thereby; and
for authority to issue \$55,000 in common capital
stock.

Petition filed November 2, 1917; supplemental petition (letter) filed April 20, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Commission.

188 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6300]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of RUSSELL JOHNSON of Camden, Oneida county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY as to proposed taking off of train No. 42 (passenger), operating (among other places) from Camden to Utica. Also complaint of village trustees as to taking off trains Nos. 41 and 42.

This complaint is against the discontinuance of a train formerly leaving Oswego at 6:50 a. m. and arriving at Utica at 9:45 a. m., on what is commonly known as the Rome, Watertown and Ogdensburg line of the New York Central railroad. The complaint is chiefly on behalf of residents of Camden. A public hearing was held in Utica March 25, 1918. It appears that prior to January 13, 1918, the train in question left Richland at 8 a. m. The timetable, condensed, to Richland, Camden, and Utica was as follows:

Lv. Richland	8:00 a. m.	10:30 a. m.	12:05 p. m.	8:10 p. m.
Camden	8:45 a. m.	11:13 a. m.	1:20 p. m.	8:53 p. m.
Ar. Utica	9:45 a. m.	12:10 p. m.		9:50 p. m.

The train leaving Richland at 12:05 p. m. ran only to Rome, where it arrived at 2:20 p. m. Under the present timetable, effective January 13th, trains

Lv. Richland	10:30 a. m.	11:38 a. m.	8:10 p. m.
Camden	11:13 a. m.	12:56 p. m.	8:53 p. m.
Ar. Utica	12:10 p. m.		9:50 p. m.

The train leaving Richland at 11:38 runs only to Rome. It will be seen that residents at points along this line can not reach Utica until afternoon. The changes were made in pursuance of the policy of the Federal Government to curtail passenger service in the present emergency. The case is in many respects similar to case No. 6305, complaint of residents of Lowville against The New York Central Railroad Company, herewith decided. The removal of the early train certainly works great inconvenience to the people of Camden and neighboring communities, but a careful study of the situation by experts of the Commission shows no means of relief without either working a hardship on other communities or running an additional train which would have very slight patronage and which the Commission is not, in the present circumstances, justified in directing. It is therefore

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 6305]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of April, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaints of DR. WILLIAM A. KELLY and M. W. HOLT of Lowville *against* THE NEW YORK CENTRAL RAILROAD COMPANY as to proposed discontinuance of trains Nos. 60 and 63 (passenger), operating between Utica and Carthage.

This complaint seeks the restoration of two trains, one northbound and the other southbound, between Utica and Carthage, on what is commonly known as the Black River line of the New York Central railroad. The formal complainants are the two named in the caption, but the complaint is also supported by a number of others living chiefly in Lowville. Formerly the timetable, condensed so as to indicate only Utica, Lowville, and Carthage, was as follows:

<i>Northbound:</i>					
Lv. Utica	.....	4:00 a. m.	6:25 a. m.	9:15 a. m.	1:55 p. m. 5:10 p. m.
Lowville	.....	6:00 a. m.	8:48 a. m.	11:40 a. m.	4:21 p. m. 7:27 p. m.
Ar. Carthage	.....	6:25 a. m.	9:25 a. m.	12:07 p. m.	4:55 p. m. 7:55 p. m.
<i>Southbound:</i>					
Lv. Carthage	....	6:30 a. m.	9:00 a. m.	1:40 p. m.	6:15 p. m. 9:45 p. m.
Lowville	....	7:00 a. m.	9:37 a. m.	2:10 p. m.	6:52 p. m. 10:20 p. m.
Ar. Utica	.....	9:15 a. m.	11:50 a. m.	4:15 p. m.	9:10 p. m. 12:15 a. m.

January 13, 1918, in response to the general policy of the Federal Government to curtail passenger service, a new timetable was put in effect, as follows:

<i>Northbound:</i>				
Lv. Utica	.....	8:30 a. m.	8:45 a. m.	1:45 p. m. 5:10 p. m.
Lowville	.....	5:30 a. m.	11:05 a. m.	4:20 p. m. 7:27 p. m.
Ar. Carthage	.....	5:55 a. m.	11:35 a. m.	4:50 p. m. 7:55 p. m.
<i>Southbound:</i>				
Lv. Carthage	.....	6:45 a. m.	2:00 p. m.	6:05 p. m. 9:30 p. m.
Lowville	.....	7:17 a. m.	2:35 p. m.	6:50 p. m. 10:05 p. m.
Ar. Utica	.....	9:30 a. m.	4:50 p. m.	9:15 p. m. 12:15 a. m.

A public hearing was held in Utica March 1, 1918, at which it appeared that the inconvenience was caused by the removal of trains formerly leaving Utica at 6:25 a. m. and leaving Carthage at 9 a. m. Under the present arrangement, passengers can not reach Lowville from the south until 11:05 a. m. They may reach Lowville from the north at 7:17 a. m., but not thereafter until 2:35 p. m. It is asserted that the first train from the north runs too early to suit the convenience of people coming from northern points to Lowville, the county seat, and the later train does not allow sufficient time to transact business and return the same day. As to the removal of the northbound train, the complaint is obviously that it arrives in Lowville too late to meet the convenience of persons using it. There is no doubt that serious inconvenience arises from the changes made, and the situation has been very carefully and thoroughly investigated by the experts of the Commission with a view of ascertaining whether some readjustment can not be made for the relief of the complainants and others similarly situated. The complainants recognize that in all the circumstances some curtailment of passenger service is necessary. They ask a readjustment rather than the addition of trains. The Commission has been unable to devise any scheme which will give the relief sought except either by imposing greater inconvenience upon residents of many more communities or by adding a train each way to the present schedules. Such a train, approximately on the former schedules, would of course grant the relief, but a study of the earnings of the former trains shows that it would accom-

moderate few people except those in the Lowville neighborhood, and in the present circumstances the Commission would not be warranted in requiring such additional service. It is therefore

Ordered: That the complaint be and the same hereby is dismissed.

Special Permission Tariffs, April, 1918.

No. 6987; April 1, 1918; The Pennsylvania Railroad Company:

Ordered: That on its application therefor dated March 30, 1918, The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish reduced rates on Petroleum and Petroleum Products from petroleum shipping points on its lines in New York state to New York state points in Central Freight Association Territory as set forth in application, and to reissue without change the rates canceled from Eugene Morris' tariff P. S. C., 2 N. Y., No. 33. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by G. O. P. S. C. No. 1021, effective April 12, 1918.

No. 6988; Boston and Maine Railroad, J. H. Hustis, Temporary Receiver:

This special permission not used.

No. 6989; April 4, 1918; Eugene Morris, Agent:

Ordered: That on application therefor dated April 1, 1918, Eugene Morris be and he is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule eliminating from his tariff P. S. C., 2 N. Y., No. 33, points on line of Pennsylvania railroad as points of shipment from which rates contained in tariff will apply. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 6 to P. S. C. No. 33, effective April 12, 1918.

No. 6990; April 5, 1918; The New York Central Railroad Company:

Ordered: That under its application therefor dated April 3, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish rates on Fluid Milk, in 40-quart cans, from Dover Furnace, N. Y., and Dover Plains, N. Y., to Amenia, N. Y., as follows: carloads, minimum 250 cans, 21.1 cents per can; less carloads, minimum 75 cans, 24.2 cents per can. Said rates will not include icing but will include the free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4443, effective April 11, 1918.

No. 6991; April 6, 1918; New York, Ontario and Western Railway Company:

Ordered: That on application therefor dated April 5, 1918, the New York, Ontario and Western Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of 40 cents per 2000 pounds to apply on carload shipments of Sand, minimum carload weight 60,000 pounds, from Arrowhead, N. Y., to Oswego, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3681, effective April 10, 1918.

No. 6992; April 9, 1918; R. N. Collyer, Agent:

Ordered: That under application therefor dated April 9, 1918, R. N. Collyer, Agent, duly authorized by railroad carriers under the jurisdiction of this Commission to file the Official Classification and supplements thereto, be and is hereby authorized to file a supplement to Official Classification P. S. C., 2 N. Y., O. C. No. 44, containing new matter issued under authority of this Commission's special permission No. 6978 of March 20, 1918, and reissue without change the matter now contained in supplement No. 22 to said Official Classification without observance of the requirements of Rule 9(e) of this Commission's Circular No. 55. This authority is given in order that uniform regulations may apply as to schedules governing interstate and New York state traffic, the Interstate Commerce Commission having granted similar authority in its special permission No. I. C. C. 45625 of April 6, 1918; it is limited strictly to its terms and does not include later supplements to said Official Classification.

Completed by supplement No. 23 to P. S. C. O. C. No. 44, effective April 25, 1918.

No. 6993; April 10, 1918; Delaware and Northern Railroad Company:

Ordered: That on application therefor dated April 9, 1918, the Delaware and Northern Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and under an effective date not earlier than April 20, 1918, a tariff schedule establishing on Acid Wood, in carloads, minimum carload weight 40,000 pounds, a rate of 40 cents per 2000 pounds, applicable between all stations on the lines of said company, said tariff to be issued as superseding tariffs P. S. C., 2 N. Y., Nos. 128, 161, 186, 187, and 193. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 249, effective April 20, 1918.

No. 6994; April 11, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That on application therefor dated April 10, 1918, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish rates, in cents per 100 pounds, on Fresh Milk and Condensed Milk, in ten-gallon cans, subject to the same rules, regulations, and estimated weights as specified in said company's tariff P. S. C., 2 N. Y., No. 1390, from Machias, N. Y., to Springville, N. Y., as follows: fresh milk 14.2; condensed milk 24.4. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1453, effective April 19, 1918.

No. 6995; April 12, 1918; Peekskill Lighting and Railroad Company:

Ordered: That on its application therefor dated April 11, 1918, the Peekskill Lighting and Railroad Company be and is hereby authorized to file, without notice to the public and the Commission, a supplement to its tariff of passenger fares P. S. C., 2 N. Y., No. 3, amending said tariff so as to provide that the passenger fare between any two stops within zone one, as described in tariff, will be five cents. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 3, effective April 12, 1918.

No. 6996; April 12, 1918; Schenectady Railway Company:

Ordered: That on its application therefor dated April 12, 1918, the Schenectady Railway Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty

days from the date hereof, in connection with the Hudson Valley Railway Company, a tariff schedule to establish rates and regulations applying to shipments of Milk and Cream as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 10, effective April 22, 1918.

No. 6997; April 13, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated April 11, 1918, The New York Central Railroad Company be and is hereby authorized to file, without notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., L. S. No. 266, to establish the rates on Petroleum Oil and Petroleum Products as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required; it is given to permit the correction of an omission in said tariff.

No. 6998; April 17, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated April 15, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish rate of 28 cents per gross ton of 2240 pounds to apply on shipments of Fluxing Stone, minimum carload weight 30 gross tons, from East Buffalo, N. Y., (when coming from Buffalo, Rochester and Pittsburgh railway or Buffalo Creek railroad), and from Louisiana street, Buffalo, N. Y., (when coming from South Buffalo railway, Delaware, Lackawanna and Western railroad, or Erie railroad), to North Tonawanda, N. Y., such rate to be exclusive of dockage, handling, or switching charges of any line. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4662, effective April 22, 1918.

No. 6999; April 17, 1918; Delaware and Northern Railroad Company:

Ordered: That on its application therefor dated April 16, 1918, the Delaware and Northern Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and under an effective date of May 1, 1918, a tariff schedule as superseding its freight tariff P. S. C., 2 N. Y., No. 200, and reissue said tariff without change except to provide for the cancellation of tariff P. S. C., 2 N. Y., No. 162. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is granted to permit the correction of a clerical error.

Completed by P. S. C. No. 250, effective May 1, 1918.

No. 7000; April 18, 1918; Hudson River and Eastern Traction Company:

Ordered: That on its application therefor dated April 18, 1918, the Hudson River and Eastern Traction Company be and is hereby authorized to file, without notice to the public and the Commission, a tariff superseding its tariff P. S. C., 2 N. Y., No. 2, and making no change therein except to provide for the establishing of a cash fare of five cents to apply between any two points on its line, and a charge of fifty cents for school tickets in books of twenty. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3, effective April 19, 1918.

No. 7001; April 17, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That on its application therefor dated April 16, 1918, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish the rates on Anthracite Screenings and Anthracite Coal, in carloads, from Buffalo, N. Y., and Rochester, N. Y., as per exhibit attached to said application, which exhibit is hereby made a part of this order; and provided that similar authority is first obtained from the Interstate Commerce Commission as to interstate traffic, to include in such tariff schedule the following regulation: "When rates published in this tariff are used as factors in constructing rates to points of destination in Official Classification Territory, aggregate through charge to such points of destination will be the combination of rates lawfully published and on file with the Interstate Commerce Commission and Public Service Commission, Second District, State of New York, in effect March 26, 1918, plus 15 cents per ton of 2240 pounds." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 7002; April 19, 1918; The Delaware and Hudson Company:

Ordered: That on its application therefor dated April 18, 1918, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of \$1.70 per 2240 pounds to apply on carload shipments of Iron Ore, minimum carload weight as per Official Classification, from Port Henry, N. Y., via Schenectady, N. Y., and the New York Central railroad to Buffalo, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 3443, effective April 24, 1918.

No. 7003; April 19, 1918; The Delaware and Hudson Company:

Ordered: That on its application therefor dated April 18, 1918, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of \$1 per 2000 pounds to apply on shipments of Broken and Crushed Stone, carloads, minimum weight to be marked capacity of car, but in no case to be less than 40,000 pounds, from Cobleskill, N. Y., via Troy, N. Y., and the New York Central railroad to Cohoes, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 3443, effective April 24, 1918.

No. 7004; April 19, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated April 16, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish rates to apply on carload shipments of Logs, minimum weight 50,000 pounds, to Lake Mahopac, N. Y., from various New York state points on the Hudson, Harlem, and Putnam divisions of said railroad, as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4681, effective April 30, 1918.

No. 7005; April 22, 1918; Erie Railroad Company:

Ordered: That on its application therefor dated April 22, 1918, the Erie Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of April 25, 1918, a supplement to its freight tariff P. S. C., 2 N. Y., No. A-686, for the purpose of adding to said tariff reference to this Commission's special permission No. 6978, which reference was through clerical error omitted. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. A-686, effective April 25, 1918.

No. 7006; April 23, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That on application therefor dated April 20, 1918, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and under an effective date not later than May 1, 1918, a tariff schedule superseding in part its tariff P. S. C., 2 N. Y., No. 1330, and reissue without change the rules, regulations, and charges now contained in that tariff governing reconsignment of Fresh or Green Fruit, Fresh or Green Vegetables (including Potatoes and Onions), Fresh Berries, and Melons. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 7007; Various Railroad Companies:

Ordered: That on applications therefor by the Erie Railroad Company (lines west), The Delaware and Hudson Company, The New York Central Railroad Company, and other common carrier companies, all carriers by rail subject to the jurisdiction of this Commission, be and they are hereby authorized to file, on not less than five days' notice to the public and the Commission and under an effective date not later than May 1, 1918, tariff schedules establishing, as applicable to New York state traffic, the rules and charges governing the diversion and reconsignment of carload freight, and rules and charges governing the diversion and reconsignment of coal and coke, with applications, conditions, definitions, and exceptions, set forth, and as to interstate traffic approved for filing, by the Interstate Commerce Commission in pages 1 to 5 and 6 to 9 inclusive, of its Fifteenth Section Order No. 499, of date March 26, 1918, as amended. This authority is given in order that uniform regulations, charges, and practices may obtain as to New York state and interstate traffic; it does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any regulation or charge that may be filed and established under this authority, any such regulation or charge being subject to protest, suspension, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

Completed by schedules filed by various carriers, effective May 1, 1918.

No. 7008; April 24, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated April 22, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of 16 cents per 100 pounds to apply on carload shipments of Cider, in barrels, minimum carload weight as per Official Classification, from Amenia, N. Y., via Chatham, N. Y., Boston and Albany railroad, Albany, N. Y., and West Shore railroad to Ravena, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4720, effective May 3, 1918.

No. 7009; April 27, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated April 25, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish rates per 2000 pounds to apply on carload shipments of Sand and Gravel, minimum weight 60,000 pounds, from Buffalo, N. Y., stations: Carroll Street, Louisiana Street, Ohio Street, Erie Street; East Buffalo, N. Y., Black Rock, N. Y., and Harriet, N. Y., as follows: to Canandaigua, N. Y., 90 cents, Waterloo, N. Y., \$1, Seneca Falls, N. Y., \$1, and Camillus, N. Y., \$1.25. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 4338, effective May 3, 1918.

No. 7010; April 27, 1918; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That on its application therefor dated April 25, 1918, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish rates per 100 pounds to apply on less than carload shipments of Gloves (all kinds) and Knit Goods (not otherwise specified) to Governors Island, N. Y., in connection with the Barge Canal Transit Corporation at Fonda, N. Y., care of Hudson Navigation Company at Troy or Albany, N. Y., as follows: from Johnstown, N. Y., 52½c; Gloversville and Broadalbin, N. Y., 55c; Mayfield, N. Y., 61c; Northville, N. Y., 67c; subject to a minimum charge of 68 cents, which rates and minimum charge will include the cost of transfer from said railroad to Barge Canal terminal at Fonda, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 270, effective May 7, 1918.

No. 7011; April 27, 1918; Delaware and Northern Railroad Company:

Ordered: That on its application therefor dated April 24, 1918, the Delaware and Northern Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish rate of \$1.78 per 2000 pounds to apply to carload shipments of Logs, minimum weight 40,000 pounds, from points of origin named in its tariff P. S. C., 2 N. Y., No. 234, via Arkville, N. Y., and the Ulster and Delaware railroad to Chichester, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 252, effective May 5, 1918.

No. 7012; April 27, 1918; Delaware and Northern Railroad Company:

Ordered: That on its application therefor dated April 24, 1918, the Delaware and Northern Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish rates per 2000 pounds to apply on carload shipments of Bark, minimum weight as per Official Classification, via East Branch, N. Y., and the New York, Ontario and Western railway to Monticello, N. Y., as follows: from Harvard, N. Y., \$2.46; and from all other points of origin named in tariff P. S. C., 2 N. Y., No. 238, \$2.66. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 253, effective May 5, 1918.

No. 7013; April 27, 1918; Delaware and Northern Railroad Company:

Ordered: That on its application therefor dated April 24, 1918, the Delaware and Northern Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of \$2.30 per 2000 pounds to apply on carload shipments of Bark, minimum weight as per Official Classification, from points of origin named in its tariff P. S. C., 2 N. Y., No. 239, via East Branch, N. Y., and the New York, Ontario and Western railway to Middletown, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 254, effective May 5, 1918.

No. 7014; April 27, 1918; Delaware and Northern Railroad Company:

Ordered: That on its application therefor dated April 24, 1918, the Delaware and Northern Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of \$2.62 per 2000 pounds to apply on carload shipments of Bark, minimum weight as per Official Classification, from points of origin named in its tariff P. S. C., 2 N. Y., No. 240, via East Branch, N. Y., New York, Ontario and Western railway, Sidney, N. Y., and The Delaware and Hudson Company's railroad to Ballston Spa, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 255, effective May 5, 1918.

No. 7015; April 27, 1918; Rochester and Syracuse Railroad Company, Inc.:

Ordered: That on its application therefor dated April 25, 1918, the Rochester and Syracuse Railroad Company, Inc., be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and under an effective date not earlier than May 5, 1918, a supplement to its local passenger tariff P. S. C., 2 N. Y., No. 8, for the purpose of correcting errors in said tariff, as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 8, effective May 5, 1918.

No. 7016; April 30, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated April 27, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of 41.9 cents per can to apply on carload shipments of Condensed Milk or Cream, in 40-quart cans, minimum 250 cans, from Potsdam, N. Y., to Canajoharie, N. Y., said rate not to include icing, but will include the free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4725, effective May 3, 1918.

No. G-25; April 24, 1918; Long Island Lighting Company:

Ordered: That on its application therefor dated April 23, 1918, the Long Island Lighting Company be and is hereby authorized to file, without notice to the public and the Commission and within thirty days from the date hereof, a revised leaf No. 5 to its general schedule for gas, P. S. C., 2 N. Y., No. 1, for the purpose of eliminating the service charge of 50 cents per month. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective April 25, 1918.

No. G-26; April 24, 1918; Patchogue Gas Company:

Ordered: That on its application therefor dated April 23, 1918, the Patchogue Gas Company be and is hereby authorized to file, without notice to the public and the Commission and within thirty days from the date hereof, a revised leaf No. 5 to its general schedule for gas, P. S. C., 2 N. Y., No. 2, for the purpose of eliminating the service charge of 50 cents per month and establishing the minimum charge of 60 cents per month which was in effect prior to March 1, 1918. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective April 25, 1918.

No. G-27; April 24, 1918; Huntington Gas Company:

Ordered: That on its application therefor dated April 23, 1918, the Huntington Gas Company be and is hereby authorized to file, without notice to the public and the Commission and within thirty days from the date hereof, a revised leaf No. 5 to its general schedule for gas, P. S. C., 2 N. Y., No. 2, for the purpose of eliminating the service charge of 50 cents per month. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective April 25, 1918.

No. G-28; April 24, 1918; Sea Cliff and Glen Cove Gas Company:

Ordered: That on its application therefor dated April 23, 1918, the Sea Cliff and Glen Cove Gas Company be and is hereby authorized to file, without notice to the public and the Commission and within thirty days from the date hereof, a revised leaf No. 5 to its general schedule for gas, P. S. C., 2 N. Y., No. 2, for the purpose of eliminating the service charge of 50 cents per month, and establishing the minimum charge of 60 cents per month which was in effect prior to March 1, 1918. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective April 25, 1918.

No. G-29; April 24, 1918; Long Island Gas Corporation:

Ordered: That on its application therefor dated April 23, 1918, the Long Island Gas Corporation be and is hereby authorized to file, without notice to the public and the Commission and within thirty days from the date hereof, revised leaves Nos. 6 and 7 to its general schedule for gas, P. S. C., 2 N. Y., No. 2, for the purpose of eliminating the service charge of 50 cents per month. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective April 25, 1918.

No. T.&T. 128; April 16, 1918; Glen Telephone Company:

Ordered: That on its application therefor dated April 16, 1918, the Glen Telephone Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a local general tariff superseding third revision of its P. S. C., N. Y., No. 7, and making no change therein other than to provide that subscribers in the Glen central office district will be entitled to unlimited calls to telephone stations in the freight and passenger depots of the New York Central and West Shore railroads at Fonda and Fultonville at the rates stated in said tariff. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective April 21, 1918.

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[Case No. 3485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of May, 1918.

Present:

CHARLES B. HILL, Chairman,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the ITHACA GAS LIGHT
COMPANY and ITHACA ELECTRIC LIGHT AND POWER
COMPANY for permission to consolidate, and thereafter
execute a mortgage and issue stocks and bonds.
Joint Petition of ITHACA GAS AND ELECTRIC CORPORA-
TION and ASSOCIATED GAS AND ELECTRIC COMPANY
as to acquisition of stock.

Petition filed March 21, 1913; hearing held April 15, 1913; report of divi-
sion of capitalization dated October 14, 1914; report of electrical engineer
dated December 24, 1914; reports of gas engineer dated January 16 and Feb-
ruary 16, 1915; final report of division of capitalization dated February 27,
1915; order entered March 30, 1915; first supplemental petition filed April
27, 1915; first amendatory order entered April 29, 1915; second supplemental
petition filed October 25, 1915; second amendatory order entered November 9,
1915; third supplemental petition filed September 27, 1916; third supple-
mental order entered October 16, 1916; fourth supplemental petition filed
July 12, 1917, jointly with the Associated Gas and Electric Company; order
entered January 31, 1918; rehearing granted April 17, 1918; rehearing held
April 30, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That pursuant to the provisions of section 70 of the
Public Service Commissions Law, the acquisition by the Associated Gas and
Electric Company of \$168,300 par value of the common capital stock of the
Ithaca Gas and Electric Corporation is hereby ratified, approved, and confirmed
as of October 21, 1916, it appearing to the satisfaction of the Commission
from the additional evidence given upon the rehearing but which was not
presented before the making of the order of January 31, 1918, that at, prior
to, and subsequent to July 1, 1907, the said Associated Gas and Electric
Company was and has been the actual owner of all of the capital stock of the
Ithaca Gas and Electric Corporation, formerly called the Ithaca Gas Light
Company.

[Case No. 5782]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of May, 1918.

Present:

CHARLES B. HILL, Chairman,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of ITHACA GAS AND ELECTRIC CORPORATION
under section 69, Public Service Commissions Law, for
authority to issue \$576,200 common capital stock.
Joint Petition of ITHACA GAS AND ELECTRIC CORPORA-
TION and ASSOCIATED GAS AND ELECTRIC COMPANY
as to acquisition of stock.

Petition filed November 16, 1916; order entered December 28, 1916; first
supplemental petition filed July 9, 1917; order entered January 31, 1918;

rehearing granted April 17, 1918; rehearing held April 30, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That pursuant to the provisions of section 70 of the Public Service Commissions Law, the acquisition by the Associated Gas and Electric Company of \$576,200 par value of the common capital stock of the Ithaca Gas and Electric Corporation is hereby ratified, approved, and confirmed as of December 29, 1916, it appearing to the satisfaction of the Commission from the additional evidence given upon the rehearing but which was not presented before the making of the order of January 31, 1918, that at, prior to, and subsequent to July 1, 1907, the said Associated Gas and Electric Company was and has been the actual owner of all of the capital stock of the Ithaca Gas and Electric Corporation, formerly called the Ithaca Gas Light Company.

[Case No. 5783]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of ITHACA GAS AND ELECTRIC CORPORATION and HOMER AND CORTLAND GAS LIGHT COMPANY under subdivision 3, section 61, Transportation Corporations Law, and section 70, Public Service Commissions Law, that the first named company may merge with itself the second named company under section 15, Stock Corporation Law.

Petition filed November 16, 1916; final report of division of capitalization dated August 30, 1917; order entered January 31, 1918; rehearing granted April 17, 1918; rehearing held April 30, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That pursuant to the provisions of section 61 of the Transportation Corporations Law and section 70 of the Public Service Commissions Law, the Ithaca Gas and Electric Corporation, being the owner of the entire issued and outstanding capital stock of the Homer and Cortland Gas Light Company, is hereby authorized to merge into itself, in accordance with the provisions of section 15 of the Stock Corporation Law, the said Homer and Cortland Gas Light Company, and said company is hereby authorized to so merge: which merger shall be effected on the basis of the corrected balance sheet showing of such corporations as of December 31, 1915, as established by orders of September 20, 1916, in case No. 5456, and July 25, 1916, in case No. 5455, respectively, modified only by legitimate corporate transactions from that date to the actual date of the merger; and within thirty days after such merger shall have become effective the Ithaca Gas and Electric Corporation shall file with the Commission a verified report setting forth the exact date of such merger.

2. That the proposed journal entries Nos. 1 to 4 inclusive, contained in the final report of the division of capitalization in this proceeding dated August 30, 1917, which on September 14, 1917, was sent to the corporation, such entries being listed in schedule 3, pages 27 and 28 thereof, shall be entered upon the books of the Ithaca Gas and Electric Corporation, and that within thirty days after the effective date of the merger hereinbefore permitted, verified proof shall be submitted to the Commission that such entries have been made; provided that if such merger shall not have been effected within sixty days of the service of this order this Commission shall be

promptly advised of such fact and of the reason why such merger shall not then have been effected.

3. That the merged company, Ithaca Gas and Electric Corporation, shall charge \$227,297.70 to the account "Fixed Capital, Other Intangible Capital to be Amortized," and shall amortize same by charges to the account "Other Contractual Deductions from Income" of \$5297.70 during the calendar year 1918, and equal annual charges thereafter of \$6000 until the amount to be amortized shall have been entirely eliminated; provided that the said company may amortize the said sum more rapidly than herein provided by crediting the account "Fixed Capital, Other Intangible Capital to be Amortized," and debiting the account "Corporate Surplus" with the excess so credited over the amount required herein.

4. That the authority contained in this order is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and within thirty days of the service hereof the said companies shall file with the Commission satisfactory, verified stipulations over the signatures of their presidents and secretaries accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as last above provided.

5. That the Ithaca Gas and Electric Corporation shall within a reasonable time after the consummation of the merger approved in this order file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the merger hereby approved.

[Case No. 5784]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of May, 1918.

Present:

CHARLES B. HILL, Chairman,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of ITHACA GAS AND ELECTRIC CORPORATION and NORWICH GAS AND ELECTRIC COMPANY under subdivision 3, section 61, Transportation Corporations Law, and section 70, Public Service Commissions Law, that the first named company may merge with itself the second named company under section 15, Stock Corporation Law.

Petition filed November 16, 1916; final report of division of capitalization dated August 30, 1917 (filed in case No. 5783); rehearing granted April 17, 1918; rehearing held April 30, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That pursuant to the provisions of section 61 of the Transportation Corporations Law and section 70 of the Public Service Commissions Law, the Ithaca Gas and Electric Corporation, being the owner of the entire issued and outstanding capital stock of the Norwich Gas and Electric Company, is hereby authorized to merge into itself, in accordance with the provisions of section 15 of the Stock Corporation Law, the said Norwich Gas and Electric Company, and said company is hereby authorized to so merge: which merger shall be effected on the basis of the corrected balance sheet showing of such corporations as of December 31, 1915, as established by orders of this Commission dated September 20, 1916, in case No. 5456.

and August 16, 1916, in case No. 5454, respectively, modified only by legitimate corporate transactions from that date to the actual date of the merger; and within thirty days after such merger shall have become effective the Ithaca Gas and Electric Corporation shall file with the Commission a verified report setting forth the exact date of such merger.

2. That the authority contained herein is upon the express provision that the requirements of clauses Nos. 2 and 3 of the order entered concurrently in case No. 5783 shall be satisfactorily met as required by the terms of that order.

3. That the requirements of clause No. 14 of the order in case No. 3486 dated September 9, 1914, regarding the amortization by the Norwich Gas and Electric Company of a charge aggregating \$27,269.38 to the account "Replacement Suspense," shall, after the merger herein permitted, remain in full force and effect and shall be assumed by the merged company, Ithaca Gas and Electric Corporation.

4. That the authority contained in this order is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and within thirty days of the service hereof the said companies shall file with the Commission satisfactory, verified stipulations over the signatures of their presidents and secretaries accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as last above provided.

5. That the Ithaca Gas and Electric Corporation shall within a reasonable time after the consummation of the merger approved in this order file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the merger hereby approved.

[Case No. 5785]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of May, 1918.

Present:

CHARLES B. HILL, Chairman,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of ITHACA GAS AND ELECTRIC CORPORATION and ONEONTA LIGHT AND POWER COMPANY under subdivision 3, section 61, Transportation Corporations Law, and section 70, Public Service Commissions Law, that the first named company may merge with itself the second named company under section 15, Stock Corporation Law.

Petition filed November 16, 1916; final report of division of capitalization dated August 30, 1917 (filed in case No. 5783); rehearing granted April 17, 1918; rehearing held April 30, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That pursuant to the provisions of section 61 of the Transportation Corporations Law and section 70 of the Public Service Commissions Law, the Ithaca Gas and Electric Corporation, being the owner of the entire issued and outstanding capital stock of the Oneonta Light and Power Company, is hereby authorized to merge into itself, in accordance with the provisions of section 15 of the Stock Corporation Law, the said Oneonta Light and Power Company, and said company is hereby authorized to so

merge: which merger shall be effected on the basis of the corrected balance sheet showing of such corporations as of December 31, 1915, as established by orders of this Commission dated September 20, 1916, in case No. 5456, and May 22, 1917, in case No. 5385, respectively, modified only by legitimate corporate transactions from that date to the actual date of the merger; and within thirty days after such merger shall have become effective the Ithaca Gas and Electric Corporation shall file with the Commission a verified report setting forth the exact date of such merger.

2. That the authority contained herein is upon the express provision that the requirements of clauses Nos. 2 and 3 of the order entered concurrently in case No. 5783 shall be satisfactorily met as required by the terms of that order.

3. That the authority contained in this order is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and within thirty days of the service hereof the said companies shall file with the Commission satisfactory, verified stipulations over the signatures of their presidents and secretaries accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as last above provided.

4. That the Ithaca Gas and Electric Corporation shall within a reasonable time after the consummation of the merger approved in this order file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the merger hereby approved.

[Cases Nos. 5924, 6126]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of THE DELAWARE AND HUDSON COMPANY under section 55, Public Service Commissions Law, for authority to issue \$4,000,000 in 4 per cent bonds under its existing first and refunding mortgage dated May 1, 1908.

In the matter of the Petition of THE DELAWARE AND HUDSON COMPANY under section 55, Public Service Commissions Law, for authority to issue \$9,000,000 in three-year 5 per cent gold notes, and as to part of the collateral to secure them; also as to trust agreement.

Case No. 5924: petition filed March 2, 1917; hearing held April 30, 1917; report of division of capitalization dated April 30, 1917; order entered May 15, 1917. Case No. 6126: petition filed July 14, 1917; hearing held July 24, 1917; order entered July 26, 1917; supplemental petition (letter) filed July 28, 1917; supplemental order entered July 31, 1917; supplemental petition filed April 27, 1918 (filed in case No. 5924); report of division of capitalization dated April 29, 1918. Now therefore, upon the foregoing record,

Ordered: That the orders heretofore entered in these proceedings are hereby modified and amended in such manner as to permit The Delaware and

Hudson Company to use the proceeds of securities authorized herein for expenditures aggregating \$1,732,194.27, made and to be made for additions and betterments to the property and system of that company as set forth in column 4 of schedule 1 and in schedule 2 attached to the supplemental petition filed herein under date of April 27, 1918; and the authority heretofore granted to the company to use the proceeds of securities authorized herein for purposes detailed in columns 5 and 7 of schedule 1 attached to said supplemental petition, which purposes equal the amount of \$1,139,736.28, is hereby vacated; provided (1) that the securities heretofore authorized in these proceedings, or their proceeds, shall be applied on such new construction only in so far as the same is a real increase in the road and equipment of the petitioner and not a replacement of any part of such road and equipment or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Classification of Investment in Road and Equipment of Steam Roads adopted by this Commission; (2) that there shall be no charges to road and equipment on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers and employees under an express assignment to such construction work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto in the aforementioned schedules, no portion of the proceeds realized from the sale of the securities heretofore authorized herein over the actual costs thereof shall be used for any purpose without the further order of this Commission.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the securities heretofore authorized in these proceedings is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6173]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the NORTHERN NEW YORK UTILITIES, INC., under sections 68 and 69, Public Service Commissions Law, as to additional construction; and for authority to issue \$29,400 in common capital stock, \$171,300 in preferred stock, and \$477,000 in bonds under an existing mortgage.

Second
amendatory
order.

Petition filed August 2, 1917; supplemental petition filed October 5, 1917; report of division of capitalization dated October 8, 1917; hearings held October 11 and 16, 1917; order entered October 17, 1917; amendatory order entered November 8, 1917; second supplemental petition filed April 25, 1918; report of division of capitalization dated April 29, 1918. Now therefore, upon the foregoing record,

Ordered: That the order herein dated October 17, 1917, as amended under date of November 8, 1917, is hereby further amended to authorize the issuance of the 2½-year 6 per cent notes aggregating \$381,600 face value therein set forth, for not less than 94 per cent of their face value, to realize net proceeds of at least \$358,704, which shall be applied solely and exclusively toward the purposes enumerated in said orders.

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[Case No. 6375]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the NORTHERN NEW YORK UTILITIES, INC., under section 69, Public Service Commissions Law, for authority to issue \$480,000 in bonds under an existing mortgage, \$144,000 first preferred stock, and \$79,200 common capital stock. Supplemental and amendatory order.

Petition filed March 6, 1918; report of division of light, heat, and power dated March 9, 1918; report of division of capitalization dated March 12, 1918; hearing held March 18, 1918; order entered March 19, 1918; report of division of capitalization dated March 27, 1918; superseding order entered March 28, 1918; supplemental petition filed April 25, 1918; report of division of capitalization dated April 29, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the superseding order heretofore entered in this proceeding on the 28th day of March, 1918, is hereby vacated.

2. That the original order entered herein on the 19th day of March, 1918, is hereby amended in such manner as to permit the Northern New York Utilities, Inc., to pledge all or any part of the \$480,000 face value of 5 per cent 50-year first and refunding mortgage gold bonds therein authorized to be issued as collateral security for any of its short-term loans, provided that the following prohibitions are observed: (a) That the principal of such loans for which said bonds are pledged shall in no event be less than 75 per cent of the face value of the bonds pledged as collateral security therefor; (b) that said bonds shall not be pledged for a greater period than one year from the date of this order without the further order of this Commission; (c) that the actual cost of the money to be procured through the issuance of the short-term loans above mentioned shall not be greater than 6 per cent per annum.

3. That the loans, or the proceeds thereof, for which bonds are herein authorized to be pledged as collateral security shall be used solely and exclusively for the purposes for which the bonds or their proceeds were authorized to be used as enumerated in the original order of the Commission herein dated March 19, 1918.

4. That the company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what if any bonds have been pledged during such period; (b) the dates of such pledgings; (c) with whom such bonds were pledged; (d) the principal, term, and interest rate of each loan for which such bonds are pledged; (e) the total face value of bonds which remain pledged as collateral security for said loans on the closing date of such period; (f) any other terms and conditions of such transactions; (g) the amount of such loan proceeds expended during such period for each of the purposes specified in the order herein dated March 19, 1918, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures. Such reports shall continue to be filed until all of the proceeds of said loans secured as herein authorized shall have been disposed of for the purposes specified in said order of March 19, 1918.

5. That in all other respects the terms and conditions of the original order herein dated March 19, 1918, shall remain in full force and effect.

6. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and that within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

[Case No. 6410]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of CAMPBELL ARCHITECTURAL IRON Co., INC.,
under section 53, Public Service Commissions Law,
for permission to construct, and for approval of a
franchise from the City of Albany to construct, at
grade a single-track switch and siding in Tivoli
street, in the city of Albany.

The City of Albany granted a franchise for the construction, maintenance, and operation of a single branch track on Tivoli street, in the city of Albany, and under the Second Class Cities Law sold it at public auction to the Campbell Architectural Iron Company, which assigned it to The New York Central Railroad Company, and the railroad company accepted the assignment. The whole purpose was to permit the construction of an industrial track in Tivoli street, from the line of the Tivoli Hollow railroad to the plant of the Iron company, as follows: From a point approximately two hundred and twenty (220) feet westerly from the southwest corner of Tivoli and North Pearl street, and running thence southeasterly on and along said Tivoli street and upon the land of the Harry E. Campbell Company, in all a distance of about two hundred and twenty (220) feet. Tivoli street is used solely by manufacturing concerns. At the hearing held in Albany April 18, 1918, there were appearances on behalf of the Iron company and the Railroad company, and no one appeared in opposition. It is determined and stated that the construction of said track and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission of this Commission be and it hereby is given to The New York Central Railroad Company for the construction, maintenance, and operation of a single branch track for the transportation of freight from the tracks of the Tivoli Hollow branch of The New York Central Railroad Company on Tivoli street, in the city of Albany, from a point approximately two hundred and twenty (220) feet westerly from the southwest corner of Tivoli and North Pearl streets, and running thence southeasterly on and along said Tivoli street and upon the land of the Harry E. Campbell Company, in all a distance of about two hundred and twenty (220) feet, subject however to all the terms and conditions of aforementioned franchise.

2. That the approval of this Commission be and it hereby is given to The New York Central Railroad Company and the Campbell Architectural Iron Company to exercise the rights and privileges conferred by said franchise granted by the common council of the City of Albany September 6, 1917, and approved by the mayor September 18th, and the sale of which was approved by the board of estimate and apportionment November 14, 1917, subject however to all the terms and conditions thereof.

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3. That Campbell Architectural Iron Company and The New York Central Railroad Company shall notify this Commission within ten (10) days after the service of this order whether the terms thereof are accepted and will be obeyed by each of them in all respects.

[Case No. 282]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the NEWBURGH LIGHT, HEAT AND POWER COMPANY for leave to issue convertible ten-year debenture bonds to the amount of three hundred and fifty thousand dollars (\$350,000).
Petition of the CENTRAL HUDSON GAS AND ELECTRIC COMPANY, the successor corporation, for authority to issue its common capital stock for conversion of such debentures.

Second
supplemental
order.

Petition filed March 30, 1908; hearing held April 7, 1908; report of engineer dated April 16, 1908; order entered April 29, 1908; supplemental petition filed May 13, 1916; supplemental order entered May 31, 1916; second supplemental petition filed April 25, 1918. Now therefore, upon the foregoing record,

Ordered: That the Central Hudson Gas and Electric Company is hereby authorized to extend the maturity of its 8 per cent ten-year debenture bonds, aggregating \$297,000 face value, outstanding under a mortgage of the former Newburgh Light, Heat and Power Company, one of its constituent companies, for three years from June 1, 1918; and the privilege to convert said bonds into stock of the petitioner, par for par, on the first day of June in each of the additional three years to the maturity of said bonds, upon thirty days' prior written notice of such intention to convert, is hereby continued.

[Case No. 282]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the NEWBURGH LIGHT, HEAT AND POWER COMPANY for leave to issue convertible ten-year debenture bonds to the amount of three hundred and fifty thousand dollars (\$350,000).
Petition of the CENTRAL HUDSON GAS AND ELECTRIC COMPANY, the successor corporation, for authority to issue its common capital stock for conversion of such debentures.

Order superseding order of May 3, 1918.

Petition filed March 30, 1908; hearing held April 7, 1908; report of engineer dated April 16, 1908; order entered April 29, 1908; supplemental peti

tion filed May 13, 1916; supplemental order entered May 31, 1916; second supplemental petition filed April 25, 1918; second supplemental order entered May 3, 1918; third supplemental petition (letter) filed May 6, 1918. Now therefore, upon the foregoing record,

Ordered: That the Central Hudson Gas and Electric Company is hereby authorized to extend the maturity of its outstanding 8 per cent ten-year debenture bonds, aggregating \$297,000 face value, issued by the former Newburgh Light, Heat and Power Company, one of its constituent companies, for three years from June 1, 1918; and the privilege to convert said bonds into stock of the petitioner, par for par, on the first days of June in each of the additional three years to the maturity of said bonds, upon thirty days' prior written notice of such intention to convert, and the other terms and conditions of said debentures, are hereby continued.

[Case No. 6146]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of BUFFALO GENERAL ELECTRIC COMPANY under section 69, Public Service Commissions Law, for authority to issue \$4,400,000 in convertible 6 per cent 5-year debenture bonds, to make a trust agreement covering them, and to issue an equal amount of common capital stock for the conversion.

Amendatory
order.

Petition filed July 28, 1917; report of division of light, heat, and power dated August 4, 1917; report of division of capitalization dated August 8, 1917; hearing held August 8, 1917; order entered August 8, 1917; report of division of capitalization dated April 6, 1918; supplemental petition filed May 1, 1918; report of division of capitalization dated May 6, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order in this proceeding dated August 8, 1917, is hereby modified and amended to permit the Buffalo General Electric Company to use the proceeds realized and to be realized from the sale at not less than 97 per cent of their face value of \$4,400,000 face amount of 6 per cent 5-year convertible debenture bonds for the following purposes:

(a) For expenditures made and to be made in the construction of an extension to the petitioner's steam plant located in the city of Buffalo, as detailed in exhibit D of the original petition herein, and the installation therein of five boilers and a 35,000-kw. unit.	\$1,662,629.00
(b) For the reimbursement of treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets to May 31, 1917, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....	2,605,371.00
	<hr/> \$4,268,000.00

2. That in all other respects the terms and conditions of the order herein dated August 8, 1917, shall remain in full force and effect.

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[Case No. 6386]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
Commissioners.

Petition of FRANK D. DAVIS and WALTER D. DAVIS, doing business under the style "George E. Davis' Sons," under chapter 667, laws of 1915, for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Newburgh, it being proposed that the route shall also be operated to the incorporated village of Cornwall and the hamlet of Firthcliffe.

Frank D. Davis and Walter D. Davis, doing business under the style "George E. Davis' Sons," ask for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Newburgh and the incorporated village of Cornwall and the hamlet of Firthcliffe. The consent of the municipal authorities of the City of Newburgh was granted March 4, 1918, subject to certain terms and conditions. A public hearing was held in Albany on May 2, 1918, at which Mr. J. R. Thompson appeared for the petitioners. It was stipulated at said hearing that no passengers would be carried by petitioners from one point to another within the city of Newburgh. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Frank D. Davis and Walter D. Davis of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Newburgh, a copy whereof is attached to the petition herein, from a point beginning in the city of Newburgh on Water street, Colden street, Broadway, and Mill street to the city line, to be operated only as a part of a line from the city of Newburgh to the incorporated village of Cornwall and the hamlet of Firthcliffe, but not to carry passengers locally from one point to another point within said city of Newburgh. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Newburgh, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 6393]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Joint Petition of EMPIRE GAS AND ELECTRIC COMPANY and EMPIRE COKE COMPANY under section 69, Public Service Commissions Law, for authority to issue \$171,000 of their joint first and refunding mortgage 5 per cent gold bonds.

Petition filed March 19, 1918; report of division of light, heat, and power dated May 3, 1918; report of division of capitalization dated May 6, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Empire Gas and Electric Company is hereby authorized to issue \$171,000 face value of its 5 per cent 30-year first and refunding mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of March, 1911, given to the Pennsylvania Company for Insurances on Lives and Granting Annuities as trustee, to secure an authorized issue of bonds of a total face value of \$5,000,000.

2. That said bonds of the total face value of \$171,000 may be sold for not less than 80 per cent of their face value to realize net proceeds of at least \$136,800.

3. That the proceeds of said bonds so authorized, which shall not be less than \$136,800, shall be used solely and exclusively for extensions and improvements to the plant and property of the petitioner, as detailed in exhibit A attached to the petition herein, \$137,016.23: amount unprovided for, \$216.23; in so far as the same may be applicable, provided (1) that the proceeds of such bonds shall be applied toward the cost of new construction summarized above only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined by the Uniform Systems of Accounts for Gas and Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such bonds over the actual costs thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit A of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform Systems of Accounts for Gas and Electrical Corporations.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Empire Gas and Electric Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That the Empire Gas and Electric Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold during such period; (b) the dates of such sales; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the bonds herein authorized for the purposes specified herein and the account or accounts under the Uniform Systems of Accounts for Gas and Electrical Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for such purposes during the period covered by the report; (h) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or proceeds expended the report shall set forth such fact.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 168]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of BUFFALO FOUNDRY AND MACHINE COMPANY against THE NEW YORK CENTRAL RAILROAD COMPANY as to charges for weighing freight cars on private scales.

The New York Central Railroad Company, successor in interest to The New York Central and Hudson River Railroad Company, having filed its petition with this Commission asking that the order made on the 27th day of October, 1908, in case No. 168, entitled "In the matter of the complaint of Buffalo Foundry and Machine Company against The New York Central and Hudson River Railroad Company," be revoked; and a hearing upon said petition having been had before Commissioner Barhite at the courthouse in the city of Rochester, New York, on the 13th day of April, 1918, at which time the Rochester Chamber of Commerce appeared by D. P. Chindblom, esq., manager of the traffic bureau of said chamber; Coates, Bennett and Reidenbach, Inc., by Mr. Mackey; Rochester Iron and Metal Company by Isaac Joffe, and H. C. Pike its superintendent; and The New York Central Railroad Company by John M. Sternhagen, esq., its attorney, and by W. S. Kallman, esq., its assistant traffic manager; and the Buffalo Foundry and Machine Company having notified the Commission that it would not enter a protest against the proposed increase in weighing charges on the ground that it would attend to the weighing of carload lots by its own locomotive crane; and the American Board of Scrap Iron Dealers, by its secretary, having made a protest against the proposed increase by letter; and the evidence upon which the order of 1908 was founded, and the evidence taken before Commissioner Barhite having been considered, it is

Ordered: That the order made by the Commission on the 27th day of October, 1908, in case No. 168, entitled "In the matter of the complaint of Buffalo Foundry and Machine Company against The New York Central and Hudson River Railroad Company," be and the same shall be vacated and annulled when the schedules hereinafter ordered to be filed shall go into effect.

Further Ordered: That the just and reasonable charge to be hereafter observed and in force as the maximum to be charged by The New York Central Railroad Company for the weighing of cars upon the individual track scales of the Buffalo Foundry and Machine Company, where such weighing involves no movement other than the stopping of the engine, car, or train so as to place the car to be weighed properly over and upon the scales to be there weighed, shall be the sum of fifty cents for each car, loaded or empty.

Further Ordered: That the respondent shall charge no greater sum than fifty cents for such service rendered under like conditions to said Buffalo Foundry and Machine Company or others.

Further Ordered: That the respondent is hereby ordered and directed to amend rule 16-f of its joint circular No. 35 issued May 11, 1912, effective June 15, 1912, and all other circulars, schedules, tariffs, and regulations covering the same matter as said rule 16-f, so that the same shall provide as the maximum charge for weighing cars, loaded or empty, for the accommodation of shippers and consignees, the sum of fifty cents each car, in cases where such weighing is upon the scales of such shipper and consignee, and involves no car movement other than stopping the car and properly placing it upon the scales and starting after weighing is complete. That such amended schedule be filed and published upon fifteen days' notice.

Further Ordered: That this order shall be construed to relate only to traffic under the jurisdiction and supervision of this Commission.

[Case No. 1539]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the MIDDLEPORT GAS AND ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue common capital stock, a mortgage, and mortgage bonds and notes.

Petition filed March 7, 1910; hearing held March 11, 1910; amended petition filed March 16, 1910; hearing held March 19, 1910; reports (2) of electrical engineer dated October 11, 1910; order entered October 19, 1910; supplemental petition filed May 1, 1918; cremation certificate and affidavit as to discharge of mortgage dated July 1, 1901, filed May 1, 1918; report of division of capitalization dated May 7, 1918. Now therefore, upon the foregoing record,

Ordered: That the order in this proceeding dated October 19, 1910, is hereby vacated and annulled, and this case closed upon the records of the Commission.

[Case No. 2862]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the MIDDLEPORT GAS AND ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to mortgage its property and issue bonds thereunder.

Petition filed April 10, 1912; report of division of capitalization dated July 27, 1912; reports of division of light, heat, and power dated September 3,

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1913, and January 8, 1914; final report of division of capitalization dated March 26, 1914; order entered December 30, 1914; supplemental petition (letter) filed January 2, 1915; supplemental order entered January 5, 1915; report of division of capitalization dated May 7, 1918. Now therefore, upon the foregoing record,

Ordered: That this proceeding is hereby closed upon the records of the Commission.

[Case No. 5326]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of ALLEN P. BARTHOLOMEW under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Geneva, it being proposed that the route shall also be operated between the city of Geneva and the incorporated village of Penn Yan, Yates county.

Joint Petition of ALLEN P. BARTHOLOMEW AND CHARLES SUTHERLAND for permission to transfer certificate.

February 16, 1916, a certificate of convenience and necessity was granted to Allen P. Bartholomew for the operation of a motor vehicle or stage line in the city of Geneva as a part of a route between the city of Geneva and the village of Penn Yan. An application has now been filed for the consent of the Commission to an assignment of this certificate by Bartholomew to Charles Sutherland. The matter has been pending some time, and the Commission is now informed by counsel for the applicants that he will not be able to obtain the execution of certain papers at once, and by further correspondence that he is willing that the case should be closed for the present with leave to reopen on request. It is therefore

Ordered: That the case be and the same hereby is closed, with leave to the applicant to reopen at any time as a matter of course upon request presented to the Commission by letter.

[Case No. 5914]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of RANDOLPH LIGHT AND POWER COMPANY, INC., under section 69 of the Public Service Commissions Law for authority to issue a mortgage for \$50,000, and one 6 per cent bond for the same amount.

Third
supplemental
order.

Petition filed February 26, 1917; report of division of capitalization dated February 28, 1917; order entered March 1, 1917; report of division of

capitalization dated October 4, 1917; supplemental order entered October 4, 1917; second supplemental order entered November 5, 1917; supplemental petition filed April 30, 1918; report of division of capitalization dated May 7, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order entered herein on the 1st day of March, 1917, as supplemented by orders dated October 4 and November 5, 1917, is hereby further modified in such manner as to permit the Randolph Light and Power Company, Inc., to pledge until July 1, 1918, its 6 per cent 10-year mortgage bond of \$50,000 face value, therein authorized to be issued, as collateral security for a loan of \$18,000.

2. That in all other respects the terms and conditions of the orders entered herein under date of March 1 and October 4, 1917, shall remain in full force and effect.

[Case No. 6077]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1918.

Present:

WILLIAM B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of ELMIRA WATER, LIGHT AND RAILROAD COMPANY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

This petition, or complaint, was filed with this Commission June 25th last, with many other petitions from various street railroad companies, asking authority to increase a five cents fare to six cents in cities and villages. No special hearing on the merits of this case was held, but on April 18, 1918, after the decision of the Court of Appeals in what is known as the Quinby case, a hearing on this petition was held in relation to whether or not there is a franchise limitation in the city of Elmira on rate of fare. Under date of May 9th the petitioner filed with this Commission a letter withdrawing this petition and asking that the proceeding be discontinued. There seeming to be no reason why the request of the company should not be granted, it is

Ordered: That said request to withdraw said petition is hereby granted, and that this case is hereby closed on the records of the Commission as withdrawn.

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[Case No. 6108]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of May, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHTE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Joint Petition of the ~~NORTHERN~~
NEW YORK UTILITIES, INC., and WETMORE ELECTRIC
COMPANY under section 70, Public Service Commis-
sions Law, for consent to the transfer of the fran-
chise, works, and system to the first named company
of the last named company; and petition of ~~NORTHERN~~
NEW YORK UTILITIES, INC., under section 69, Public
Service Commissions Law, for authority to issue
common and preferred capital stock and mortgage
bonds.

Petition filed July 1, 1917; report of division of capitalization dated Sep-
tember 15, 1917; report of division of light, heat, and power dated November
17, 1917; supplemental petition filed March 6, 1918; report of division of
capitalization dated March 15, 1918. Now therefore, upon the foregoing
record,

Ordered as follows: 1. That the Wetmore Electric Company is hereby
authorized to transfer and sell all of its property and assets, free and clear
of all bonded indebtedness, but subject to outstanding liabilities of \$23,454.34,
contracts, etc., to the Northern New York Utilities, Inc., for the sum of
\$300,000; provided that the value of all of such assets at the actual date of
the transfer to the latter company shall not be less than their value at April
30, 1917, as set forth in the reports of the Commission's divisions filed in
this case; and this Commission hereby permits and approves the transfer to
and acquisition by the Northern New York Utilities, Inc., of the property and
assets of the said Wetmore Electric Company upon these terms.

2. That the Northern New York Utilities, Inc., is hereby authorized to
issue \$311,000 face value of its 5 per cent 50-year first and refunding mortgage
gold bonds under a certain indenture, deed of trust, or mortgage dated the
1st day of July, 1913, given to the Northern New York Trust Company
(Columbia Trust Company, successor) as trustee, and supplement thereto
dated March 11, 1915, to secure an authorized issue of bonds of a total face
value of \$10,000,000.

3. That the Northern New York Utilities, Inc., is hereby authorized to
issue \$142,300 par value of its capital stock, \$114,000 of which shall be classi-
fied as 7 per cent cumulative first preferred capital stock, and \$28,300 as
common capital stock, which may be sold at a price not less than the par
value thereof to realize net proceeds of at least \$142,300.

4. That said bonds of the total face value of \$311,000 may be sold for not
less than 80 per cent of their face value to realize net proceeds of at least
\$248,800.

5. That the proceeds of said securities so authorized, which shall not be
less than \$391,100, shall be used solely and exclusively for the following
purposes:

a. For the acquisition of the property and assets of the Wetmore Electric Company free and clear of all bonded indebtedness, but subject to out- standing liabilities of \$23,454.34, contracts, etc.....	\$300,000
b. For the discharge of bills payable of the Wetmore Electric Company outstanding at April 30, 1917, or the renewals thereof.....	17,500
c. For the construction of a proposed addition to the hydro-electric plant of the Wetmore Electric Company as detailed in exhibit E attached to the original petition herein.....	72,300
d. To cover the actual cost of the issue and sale of the proportion of pre- ferred capital stock applicable to items (b) and (c) above.....	1,300
	<hr/> \$391,100

in so far as the same may be applicable, provided (1) that the proceeds of such securities shall be applied toward the cost of new construction summarized in subdivision (c) hereof only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined by the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering service shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such securities over the actual costs thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit E of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

6. That pending the sale of the \$311,000 face value of bonds herein authorized to be issued, the Northern New York Utilities, Inc., is hereby permitted to pledge all or any part thereof as collateral security for its short-term loans, providing that the following prohibitions are observed: (a) that the principal of such loans for which said bonds are pledged shall in no event be less than 75 per cent of the face value of the bonds pledged as collateral security therefor; (b) that said bonds shall not be pledged for a greater period than one year from the date of this order without the further order of this Commission; (c) that the actual cost of the money to be procured through the issuance of the short-term loans above mentioned shall not be greater than 6 per cent per annum.

7. That the proceeds of the loans for which bonds are herein authorized to be pledged shall be applied solely and exclusively toward the purposes for which the bond proceeds are herein authorized to be expended as set forth in clause No. 5 of this order.

8. That the Northern New York Utilities, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what securities have been sold or pledged during such period; (b) the dates of such sales or pledgings; (c) to or with whom such securities were sold or pledged; (d) what proceeds were realized from such sales or pledgings; (e) the principal, term, and interest rate of each loan for which bonds may be pledged; (f) the total face value of bonds which remain pledged as collateral security for said loans on the closing date of each such period; (g) any other terms and conditions of such transactions; (h) with respect to subdivisions (a), (b), and (d) of clause No. 5 of this order there shall be shown the amount of security or loan proceeds used therefor during such period; (i) with respect to subdivision (c) of clause No. 5 of this order there shall be shown (1) in detail the amount of security or loan proceeds used during each such period for each of the purposes listed in exhibit E attached to the original petition herein, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period. In reporting under sections 2 and 3 of subdivisions (i) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized or of the loans secured thereby to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with

a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold and their proceeds, and of the loan proceeds, used in accordance with the authority contained herein, and if during any period no securities were sold or pledged or security proceeds or loan proceeds used the report shall set forth such fact.

9. That within thirty days after the purchase herein authorized has been made, detailed statements, duly verified by the secretary or other executive officer of the Northern New York Utilities, Inc., shall be filed with the Commission, which shall include (a) a detailed balance sheet of the Wetmore Electric Company as of the date when the transfer of its property to the Northern New York Utilities, Inc., is recorded in the accounts of the latter company; (b) particulars of the journal entries made upon the books of the Northern New York Utilities, Inc., reflecting the acquisition of the property herein authorized to be acquired; (c) a detailed allocation of the cost to the Northern New York Utilities, Inc., of the property acquired from the Wetmore Electric Company pursuant to the authority herein granted, which details shall be subdivided in such manner as to show the charges and credits to the various assets accounts to April 30, 1917, and those subsequent to that date. And this case shall remain open upon the records of the Commission until it has formally approved the manner in which the acquisition of this property has been recorded upon the books of the Northern New York Utilities, Inc.

10. That the Northern New York Utilities, Inc., shall, within a reasonable time after the consummation of the sale approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the sale hereby approved.

11. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6343]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaints of GRAPHITE METALLIZING CORPORATION and the BARE WIRE COMPANY, INC., against AMERICAN EXPRESS COMPANY as to discontinuance of express business at the Nepperhan station on the Putnam division of the New York Central railroad in Yonkers.

The Graphite Metallizing Corporation of the city of Yonkers, New York, and the Bare Wire Company, Inc., of the city of New York, having made

complaint to this Commission that the American Express Company had discontinued the express service on the Putnam division of The New York Central Railroad Company at Nepperhan, New York; and the matter having come on to be heard before Commissioner Barhite on the 3rd day of April, 1918, at the city of New York, at which time the complainants appeared by F. P. Fuller, esq., vice-president of the Graphite Metallizing Corporation, and R. P. Nugent, jr., esq., for the Bare Wire Company, Inc., the respondent not appearing; and the evidence on behalf of the complaint having been taken, and the case having been held until the 1st day of May, 1918, at the office of the Commission in the city of New York, at which time the respondent appeared by Robert S. Wheeler, esq., assistant to its traffic manager, and through him stated that the American Express Company would reestablish its office at Nepperhan, New York, which would satisfy the demands of the complaint,

Ordered: That this case be and the same is hereby closed on the books of the Commission.

[Case No. 6358]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of J. C. OSBURN and GEORGE V. ROBERTS of Port Byron *against* ROCHESTER AND SYRACUSE RAILROAD COMPANY, INC., as to proposed discontinuance of a milk train or car from Port Byron to Rochester.

J. C. Osburn of Port Byron, New York, having made complaint to this Commission that the Rochester and Syracuse Railroad Company, Inc., intended to discontinue the operation of a daily milk train operating between Port Byron and the city of Rochester on the road of said company, which said train reached the city of Rochester at or about 11 o'clock in the forenoon; and the Brighton Place Dairy Company of the city of Rochester having entered a protest against the discontinuance of said milk train; and the Cayuga County Dairymen's League having indorsed the action of said J. C. Osburn in protesting against the discontinuance of said train; and George V. Roberts, esq., of Port Byron having also made complaint against the discontinuance of said train; and the Rochester and Syracuse Railroad Company, Inc., having made answer to said complaints; and the matter having come on to be heard before Commissioner Barhite at the city of Rochester on the 27th day of April, 1918, at which time the complainants, J. C. Osburn and George V. Roberts, appeared in person; and the Dairymen's League of the city of Rochester and vicinity appeared by G. M. Tyler, esq.; the Brighton Place Dairy Company by R. S. Cogswell, esq.; and the Rochester and Syracuse Railroad Company, Inc., appeared by its attorneys, Messrs. Hiscock, Doheny, Williams & Cowie; and evidence of the complainants and the defendant having been heard; and it appearing from said evidence that said car which the respondent proposed to discontinue is operated between Port Byron and the city of Rochester, arriving at said city at about 11 a. m., and carries at the present time about 35 cans of milk, each can containing forty quarts, besides a quantity of freight and express, and that the receipts derived from the operation of said car are at the present time paying expenses of operating said car, and that said car is needed for the purpose of transmitting milk from Port Byron, Clyde, and other stations along the line of the respondent's road to the city of Rochester;

Ordered: That the Rochester and Syracuse Railroad Company, Inc., be and it is hereby directed to continue in operation until the further order of this

Commission the milk train so called now operated on the road of said company from the station at Port Byron to the city of Rochester, and arriving in said city at about the hour of 11 o'clock in the forenoon.

Further Ordered: That within five days from the receipt of a copy of this order the Rochester and Syracuse Railroad Company, Inc., shall notify this Commission whether the terms of this order are accepted and will be obeyed.

[Case No. 6413]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the GOWANDA LIGHT AND POWER CORPORATION under section 68, Public Service Commissions Law, for permission to construct an electric plant in the town of Dayton, Cattaraugus county, and for approval of franchise.

The Gowanda Light and Power Corporation having filed its petition with this Commission asking for the approval of a franchise heretofore granted to it by the town board of the Town of Dayton, Cattaraugus county, New York, and that it may be permitted and authorized to begin the construction of an electric system in the said town of Dayton; and the application having come on to be heard before Commissioner Barhite at the office of this Commission in the city of Buffalo on the 29th day of April, 1918, at which time said petitioner appeared by George A. Larkin, esq., of Olean, New York, as its attorney; and due proof of due publication of the pendency of this application having been filed; and no one appearing to oppose; and this Commission having determined after due hearing that the construction of the plant of the petitioner in said town of Dayton, and that the exercise of the right, privilege, and franchise granted to said petitioner by the authorities of said Town of Dayton are necessary and convenient for the public service,

Ordered: That the franchise granted to the Gowanda Light and Power Corporation by the authorities of the Town of Dayton, Cattaraugus county, New York, on the 20th day of November, 1916, be and the same is hereby approved; and said Gowanda Light and Power Corporation is hereby authorized and permitted to begin construction, and to complete and maintain its electric light poles, conduits, and other apparatus in the town of Dayton, Cattaraugus county, New York; and to exercise the rights and privileges granted to it by the authorities of said Town of Dayton pursuant to said franchise granted on the 20th day of November, 1916.

Further Ordered: That said company shall not enter upon or construct any works in or upon any state or county highway which has been or may be improved under the provisions of the Highway Law of the State of New York except upon the approval of and under such conditions and regulations as may be prescribed by the State Commission of Highways.

[Case No. 6419]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the OLEAN ELECTRIC LIGHT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$10,100 in its 7 per cent cumulative preferred stock.

Petition filed April 23, 1918; report of division of capitalization dated May 8, 1918. Now therefore, upon the foregoing record

Ordered as follows: 1. That the Olean Electric Light and Power Company is hereby authorized to issue \$10,100 par value of its 7 per cent cumulative preferred capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$10,100.

2. That the proceeds of said stock so authorized, which shall not be less than \$10,100, shall be applied solely and exclusively toward the discharge of obligations dated August 1, 1917, incurred in the acquisition of \$10,000 face amount of 4½ per cent bonds of the City of New York due July 1, 1967, \$10,175; amount unprovided for, \$75.

3. That the Olean Electric Light and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the date of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the stock herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended the report shall set forth such fact.

4. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

220 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6420]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54, Railroad Law, for consent to the discontinuance of the Genesee Junction station on the West Shore railroad (lessor) as a freight agency station.

The New York Central Railroad Company having filed its petition with this Commission asking for permission to discontinue the station at Genesee Junction on the Syracuse division of the West Shore railroad; and the matter having come on to be heard before Commissioner Barhite at the courthouse in the city of Rochester on the 4th day of May, 1918, at which time petitioner appeared by Messrs. Harris, Beach, Harris and Matson, its attorneys; and due proof of the publication of a notice of such hearing in the *Rochester Democrat and Chronicle* and in the *Rochester Times-Union and Advertiser*, two newspapers published in the city of Rochester, New York; and due proof of the posting of said notice of hearing at said Genesee Junction having been filed; and it appearing by the evidence that there is no access to the freight house at said Genesee Junction except over a foot-bridge, and that during the past year but two carloads of freight have been received at said station, and that no freight in less than carload lots has been received during the same period of time; and that there is another freight station on the line of said railroad two miles east of said Genesee Junction, and that the next station to the west of said Genesee Junction is three and one-half miles away, it is

Ordered: That the prayer of the petitioner be granted, and that The New York Central Railroad Company be and it is hereby authorized and allowed to discontinue the Genesee Junction station on the West Shore railroad, lessor, as a freight agency station, and to strike the name of said station from its tariff sheets.

[Case No. 5426]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

Petition of the WOODLAWN IMPROVEMENT ASSOCIATION TRANSPORTATION CORPORATION under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Albany. Also petitions for assignment of certificate.

The Woodlawn Improvement Association Transportation Corporation asks for an amendment of its certificate of convenience and necessity in so far as that certificate describes the route to be traversed in the city of Albany. The applicant received a certificate March 16, 1916, for the operation of an

auto bus line from the Union Station in Albany over certain streets within the city, with the primary purpose of furnishing service along New Scotland avenue. June 13, 1916, this certificate was amended making a slight change in the route. The operation has been entirely within the city of Albany, but it is now desired to operate another line or lines in order to reach the hamlets of Elsmere, Delmar, and Slingerlands, and for this purpose to operate over and along Delaware avenue in addition to the streets east thereof already traversed by the New Scotland Avenue line. A public hearing was held April 23, 1918, at which there was opposition on behalf of F. V. W. Lehman, who already operates a line substantially over the proposed Delaware Avenue route to the same hamlets. It is well established that the Commission has no authority under the present statute to withhold a certificate to which the petitioner would otherwise be entitled in order to regulate traffic or prevent competition outside the city. (*In the matter of the Petition of Allen P. Bartholomew*, V P. S. C. 2nd Dist. Reports, p. 96). The City of Albany has by ordinance amended its former consent to the applicant so as to extend it to operation on Delaware avenue. Mr. Lehman is forbidden by the terms of the consent and certificate under which he is operating from carrying passengers from point to point within the city of Albany. The applicant is likewise forbidden by its amended consent from carrying passengers from point to point within the city on vehicles traveling or routed to travel on Delaware avenue. There is therefore no competition within the city. Under its present certificate the applicant might reach the three hamlets named by way of New Scotland avenue, and in fact it is proposed that some vehicles at least shall use that route. However, the Delaware Avenue route is a somewhat shorter route to Slingerlands and a much shorter route to the other hamlets so that the inference must be drawn that for the great majority of passengers the Delaware Avenue route is more convenient. The petitions filed by the applicant indicate that a very considerable number of persons would use its buses although a large number indicate that they are satisfied with Mr. Lehman's service and think the additional service is unnecessary. As above stated, the Commission can not decide the case on that ground. It is enough to know that the convenience of a number of people will be served by permitting the buses to run on Delaware avenue. The City of Albany by ordinance enacted by the council February 18, 1918, approved by the mayor March 25th, and by the board of estimate and apportionment March 19th, granted its consent to the additional route. It is therefore

Ordered: That the certificate of convenience and necessity heretofore granted be and the same is hereby amended to read as follows: Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Woodlawn Improvement Association Transportation Corporation of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Albany, a copy whereof is attached to the petition herein, in, over, upon, through, and along Broadway from the Union Station north to Orange street, to North Pearl street, to South Pearl street, to Hudson avenue, to Willett street, to Madison avenue, to New Scotland avenue and Delaware avenue, to the city lines; and returning, starting at the city lines on New Scotland avenue and Delaware avenue, thence along New Scotland avenue and Delaware avenue to Madison avenue, to Willett street, to Hudson avenue, to South Pearl street to State street, to Broadway, to the Union Railroad Station. The operation of such motor vehicles or buses shall be restricted in that no local passengers shall be carried within the city limits by the vehicles or buses that travel or are routed to travel on Delaware avenue, but that the motor vehicles or buses that travel or are routed to travel on Delaware avenue shall be exclusively restricted to persons traveling between points without the city and points within the city, or from points within the city to points without the city limits. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Albany, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

222 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5452]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

Petition of NEW SCOTLAND AVENUE TRANSPORTATION COMPANY, INC., under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Albany, it being proposed that the route shall also be operated in and between Albany and Slingerlands. Also two petitions for assignment of certificate.

This is an application by Woodlawn Improvement Association Transportation Corporation for consent of the Commission to a transfer to the applicant by the Peoples Auto Bus Line, Inc., of a certain certificate of convenience and necessity for the operation of an auto bus line over certain streets in the city of Albany as a part of a route between Albany and Slingerlands. At the hearing of the application at Albany April 3, 1918, the granting of the petition was vigorously opposed by F. V. W. Lehman, the present holder of a certificate covering substantially the same route. The facts are complicated and in some respects obscure. This much, however, clearly appears: April 4, 1916, this Commission granted the certificate in question to the New Scotland Avenue Transportation Company, Inc., the certificate providing that it was not assignable without the consent of this Commission. The New Scotland Avenue Transportation Company seems to have operated the line until some time in June. June 21, 1916, the Commission gave its consent to the transfer of the certificate to the Peoples Auto Bus Line, Inc., and this consent provided that "no further assignment of this certificate shall be made without the consent of this Commission". February 26, 1918, an assignment to the petitioner was executed, signed by James E. Husted, as president of the board of directors of the Peoples Auto Bus Line, with an affidavit that he signed the same by authority contained in a resolution adopted by the board of directors. A copy of that resolution is attached, certified by the president and secretary. It appears, however, that at the same time this certificate was issued a certificate for a practically similar operation was granted to Clyde T. Griffith, and that this certificate has passed to Mr. Lehman who continues to operate thereunder. Mr. Lehman also claims to be the equitable owner of an assignment of the New Scotland Avenue certificate under a contract dated July 21, 1916, whereby Goldsmith C. Stephens undertook to transfer the property and certificate and city consent of the New Scotland Company to Lehman and one Snyder. No application has ever been made to the Commission for the approval of this assignment or contract to assign. What right Mr. Stephens had to bind the corporation does not appear. It further appears that an effort was made to sell stock in the Peoples Auto Bus Line, but such effort was unsuccessful except that stock to the amount of \$100 was paid for by one subscriber but no stock was ever issued; very little was subscribed and the real organization of the Peoples Company was never accomplished. It did not take over the tangible property of the New Scotland Company, consisting of auto buses, part of which were sold under foreclosure and the others sold to Mr. Lehman. The Peoples Company has never operated a bus. It is clear that Mr. Lehman, the objector, who has not seen fit in the entire interval to ask the Commission for an approval of the assignment, the approval of which was essential to its validity, has established no title, without regard to the questions which might be raised as to

his apparent chain of title, if he had one. He has not operated under the certificate and does not now claim to have operated thereunder. The present applicant presents, apparently, a chain of title by virtue of the assignment previously referred to, which recites a price of one dollar and other valuable consideration. This assignment is by the nominal president and directors of a corporation which never completed its organization, never owned any property except this certificate, and never exercised its franchise. These certificates are not issued for the purpose of speculating in them or permitting them to be made matters of barter and sale. If they confer any permanent right, to permit a sale for a substantial consideration would be to permit the capitalization of a franchise beyond the amount paid to the authority granting it. The old New Scotland Avenue certificate is to all purposes dead, and can not be used for any legitimate purpose. Its transfer to any person or corporation can not now be permitted. It is therefore

Ordered: That the application be and the same hereby is denied.

[Case No. 6418]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of RESIDENTS OF WASHINGTON COUNTY *against* GREENWICH AND JOHNSONVILLE RAILWAY COMPANY as to discontinuance of a midday passenger train.

This is a complaint against the discontinuance of trains Nos. 3 and 4 on the Greenwich and Johnsonville railway, coupled with a request for an order that said trains be restored. A hearing was held at Albany May 8, 1918, at which appeared representatives of the railway and one complainant. It appeared upon the hearing that train No. 3 left Greenwich at 12:15 p. m., arriving at Johnsonville at 1 p. m.; that train No. 4 left Johnsonville at 3:10 p. m., arriving at Greenwich at 3:45 p. m.; that the discontinuance of this round trip saved coal and released a crew and engine for freight work, permitting the saving of time, one-half to a full day, in getting cars from large mills in the neighborhood; that there still remained two trains each way each day. The round-trip noon train was a convenience, but the saving of coal and the saving of time on carload shipments from mills outweighed that convenience.

Ordered: That the complaint be and hereby is dismissed.

224 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6431]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application (complaint) of
MUNICIPAL GAS COMPANY OF THE CITY OF ALBANY
for an order authorizing increase of rates for gas in
said city.

The above named Municipal Gas Company of the City of Albany having filed a complaint in the form of a petition dated May 6, 1918, praying that an order be made allowing the said company to charge and collect per thousand cubic feet of gas for both fuel and light in the city of Albany, as follows: First 10,000 cubic feet per month, \$1.30 per 1000 cubic feet; next 10,000 cubic feet per month, \$1.17 per 1000 cubic feet; next 30,000 cubic feet per month, \$1.04 per 1000 cubic feet; excess cubic feet per month, \$0.91 per 1000 cubic feet. And a hearing having been had on the said complaint by and before the Commission on the 14th day of May, 1918, Neile F. Towner appearing for Municipal Gas Company of the City of Albany; and Arthur L. Andrews, corporation counsel, appearing for the City of Albany. And the Commission being of the opinion that the Legislature has withheld from it the power to increase the rate chargeable by Municipal Gas Company of the City of Albany, in the city of Albany, above the \$1 maximum prescribed by chapter 227 of the laws of 1907; and the Opinion of the Commission and Dissenting Opinions in this proceeding having been filed; now, therefore, it is

Ordered: That the said petition of Municipal Gas Company of the City of Albany be and the same is hereby dismissed and discontinued because of lack of power to afford the only relief asked for by the petitioner herein.

[Case No. 6431]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application (complaint) of
MUNICIPAL GAS COMPANY OF THE CITY OF ALBANY
for an order authorizing increase of rates for gas in
said city.

On consideration of the application of the petitioner herein for a rehearing of this case, it is

Ordered: That the said application for rehearing be and the same is hereby denied.

[Case No. 5834]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 16th day of
May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of THE PENNSYLVANIA RAILROAD COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY under subdivision 2, section 54, Public Service Commissions Law, for consent to acquire jointly or severally capital stock of the Frontier Electric Railway Company. Petition for rehearing.

This Commission having heretofore and on the 19th day of March, 1918, made its order wherein and whereby The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company were granted permission to acquire the capital stock of the Frontier Electric Railway Company; and the Erie Railroad Company, one of the parties to the above entitled proceeding, having filed its petition with this Commission asking that a rehearing may be had and the Commission's order of March 19, 1918, be vacated and set aside, and that The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company be denied the permission which they sought, to acquire the capital stock of the Frontier Electric Railway Company; and due consideration of the facts set forth in said petition having been had, it is

Ordered: That the application of the Erie Railroad Company for a rehearing in the above entitled matter be and the same is hereby denied.

[Case No. 5915]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 16th day of
May, 1917.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application for revocation of certificate heretofore issued to the FRONTIER ELECTRIC RAILWAY COMPANY that public convenience and a necessity required the construction of its railroad. Petition for rehearing.

The Erie Railroad Company, one of the parties to the above entitled proceeding, having filed its petition with this Commission asking that the order heretofore made by this Commission on the 19th day of March, 1918, which said order refused to vacate a certificate of public convenience and a necessity granted to the Frontier Electric Railway Company by the Board of Railroad Commissioners on the 14th day of November, 1906, be vacated and set aside, and that a rehearing may be had in the above entitled matter; and said petition having been duly considered by this Commission, it is

Ordered: That the petition of the Erie Railroad Company for a rehearing in the above entitled matter be and the same is hereby denied.

226 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6416]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54, Railroad Law, for consent to change the name of its Mount Pleasant and Fairlawn station to Mount Pleasant.

A petition having been made by The New York Central Railroad Company asking that the consent of this Commission be given to a change in the name of a station upon its line extending from the Grand Central Terminal in the borough of Manhattan, city of New York, to Chatham, said station being known as Mount Pleasant and Fairlawn, and the proposal being to change its name to Mount Pleasant; and the matter having come on for a hearing before this Commission on the 10th day of May, 1918, at which said hearing petitioner was represented by Jacob Aaronson of New York, as its attorney; and it appearing at the hearing that this station was designed primarily to serve two cemeteries: one known as Mount Pleasant, and the other formerly known as Fairlawn, and that the Fairlawn Cemetery had been taken over by the Trustees of St. Patrick's Cathedral in the city of New York and its name changed to Cemetery of the Gate of Heaven, and that the incorporation of the name of the latter cemetery in the name of the station would make the name too cumbersome for use; and all parties in interest seemed to feel that the station should be called Mount Pleasant; and proof of the posting of notices of the hearing, in accordance with the requirements of the Commission, having been duly filed; and no one having appeared in opposition to the proposed change of name; and the Commission being of the opinion that such change, for reasons set forth in the petition and at said hearing, will be in public interest, it is hereby

Ordered: That this petition be and the same hereby is granted, and that the consent of this Commission be and the same hereby is given to the proposed change in name of petitioner's station now known as Mount Pleasant and Fairlawn to Mount Pleasant.

[Case No. 6425]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of THE LONG ISLAND RAILROAD COMPANY under section 54, Railroad Law, for consent to the discontinuance of its Clear Stream station, Nassau county.

The Long Island Railroad Company having filed with the Commission a petition under section 54 of the Railroad Law for consent to the discontinuance of its Clear Stream station, on its Montauk division, in Nassau county;

and notice of a public hearing upon the said application having been given in accordance with the rules of the Commission; and such hearing having been held in the city of New York on the 10th day of May, 1918; at which hearing C. L. Addison appeared for the petitioner; H. W. Smith appeared for taxpayers in the vicinity of Clear Stream station; and Samuel Dovey, G. C. Smith, Joseph Busher, and Adolph Heuer, residents of Clear Stream, appeared in person; and it appearing at the hearing that the petitioner maintains a flag stop at Clear Stream, at which three westbound and five eastbound trains stop on the signal, there being no station building: this stop is 4400 feet from the Rosedale station just inside the city limits, and 5100 feet from the Valley Stream station farther east; that the country to the south of the station is farm land, but to the north there is a scattered settlement of perhaps fifty houses; that an electric line of the New York and Long Island Traction Company passes through this settlement about one block from the Long Island station and maintains a stop there; that this electric line better serves the people because it gets those regularly working in the city there in time, and that the use made of the Long Island road by the people at this stop is not sufficient to justify the additional expenditure for power required to make this stop; and the Commission having as the result of such hearing reached the conclusion that the station is now of little or no value to the public, and that its discontinuance would work no material hardship on the community, and that its maintenance is an unwarranted burden upon petitioner, it is hereby

Ordered: That the petition of The Long Island Railroad Company under section 54 of the Railroad Law for consent to the discontinuance of its Clear Stream station, in Nassau county, be and the same hereby is granted, and that the case be closed upon the records of the Commission.

[Case No. 1845]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of Regulations Governing the Filing of Contracts, and Prescribing the Form and Governing the Filing and Publication of Rate Schedules of Gas Corporations and Electrical Corporations, and Municipalities.

The Commission having under consideration greater publicity as to proposed changes in rates, charges, and regulations of corporations and municipalities under its supervision, it is

Ordered: That Rule 28 of this Commission's Circular No. 65, Regulations Governing the Filing of Contracts, and Prescribing the Form and Governing the Filing and Publication of Rate Schedules of Gas Corporations and Electrical Corporations, and Municipalities, be changed to read as follows:

Gas corporations, electrical corporations, or municipalities are directed, in filing schedules, parts of schedules, or supplements, to transmit two copies of each such schedule or part of schedule or supplement for the use of the Commission, and in addition thereto and under same cover as many extra copies as there are cities, towns, or villages affected by the schedule, all addressed "Public Service Commission, Second District, State of New York, Division of Tariffs, Albany, N. Y."

Further Ordered: That the aforesaid change shall be effective on and after June 15, 1918, and until otherwise ordered by the Commission.

228 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 3218]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day of
May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of Regulations Prescribing the Form and
Governing the Filing and Publication of Rate
Schedules of Telephone Corporations.

The Commission having under consideration greater publicity as to pro-
posed changes in rates, charges, rentals, and regulations of corporations under
its supervision, it is

Ordered: That Rule 17(1) of this Commission's Circular No. 63, Regula-
tions Prescribing the Form and Governing the Filing and Publication of Rate
Schedules of Telephone Corporations, be amended to read as follows:

Telephone corporations are directed, in filing schedules other than local
general tariffs and supplements thereto, in compliance with the statute, to
transmit one copy of each tariff, supplement, or other schedule of rates,
charges, rentals, or regulations for the use of the Commission.

Telephone corporations when transmitting local general tariffs or supple-
ments will forward two copies of each such schedule for the use of the Com-
mission, and in addition thereto and under same cover as many extra copies
as there are cities, towns, and villages affected by the schedule. Schedules
sent for filing must be addressed to "Public Service Commission, Second Dis-
trict, State of New York, Division of Tariffs, Albany, N. Y."

Further Ordered: That the aforesaid amendment shall be effective on and
after June 15, 1918, and until otherwise ordered by the Commission.

[Case No. 3457]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day of
May, 1917.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the MURRAY ELEO-
TRIC LIGHT AND POWER COMPANY for a certificate
authorizing it to issue bonds under a mortgage or
deed of trust dated January 1, 1913, to the Orange
County Trust Company of Middletown, N. Y., as
trustee, in pursuance of section 69 of the Public
Service Commissions Law of the State of New York.
Supplemental petition filed June 23, 1917.

Amendatory
order.

Petition filed March 4, 1913; report of division of light, heat, and power
dated April 14, 1913; order dated August 19, 1913; supplemental order dated
April 26, 1917; supplemental petition (letter) filed May 7, 1917; second sup-
plemental order dated May 15, 1917; second supplemental petition filed June

23, 1917; report of division of light, heat, and power dated July 12, 1917; third supplemental and amendatory order dated July 18, 1917; third supplemental petition filed March 21, 1918; report of division of light, heat, and power dated May 6, 1918; report of division of capitalization dated May 20, 1918. Now therefore, upon the foregoing record,

Ordered: That the order in this proceeding dated August 19, 1913, as subsequently amended, is hereby further modified and amended in such manner as to permit the Murray Electric Light and Power Company to use the proceeds realized from the sale at prices therein set forth of \$50,000 face amount of 6 per cent 30-year first mortgage gold bonds for the following purposes:

Discharge of mortgage.....	\$8,054.94
Discharge of bills payable.....	13,100.00
Construction of line at Centerville.....	1,997.68
Construction of line at Hurleyville.....	1,919.67
Construction of line at Cuddebackville.....	20,334.81
Station equipment, etc.....	2,175.16
Maplewood distribution system.....	679.87
Furnaces, boilers, and accessories.....	1,397.87
	<hr/>
	\$49,660.00

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the bonds heretofore authorized and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4965]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF WATERTOWN under section 91 of the Railroad Law for an order determining that the Court Street grade crossing of the New York Central railroad in said city shall be changed to an over-crossing.

The City of Watertown has entered into an agreement, subject to the approval of The New York Central Railroad Company and the State of New York, with the Concrete-Steel Engineering Company, by the provisions of which the said Concrete-Steel Engineering Company is employed as consulting, designing, and supervising engineer in the planning and building of the viaduct and approaches provided for in the Commission's determination in the matter above entitled, for a compensation amounting to 5 per cent of the final cost of constructing said bridge or viaduct and approaches, the same to become due and payable as follows: one-half of 5 per cent of the estimated cost of the work upon the completion and acceptance of the detailed plans and specifications; one-quarter of 5 per cent of the estimated cost of the work upon the completion of 50 per cent of the construction work; and the remainder upon completion of the construction work and its acceptance by the Public Service Commission. It is further provided and agreed that said Concrete-Steel Engineering Company shall furnish the services of a resident engineer, charging therefor the sum of \$200 per month for such period or periods of time as the services of such resident engineer may be necessary or

required. It being understood between the parties that all plans and specifications shall be subject to the approval of the railroad company and the Public Service Commission; that final payment shall not be made until the approval of the completed work by the Commission; and that the railroad company shall have, when it deems it necessary, supervising control over the work of the contractor or contractors, adjoining and necessary to the protection of its tracks and traffic, and the manner of doing such work, directing the operations of the contractor or contractors through the Concrete-Steel Engineering Company, or directly in cases of urgency or emergency. On account of the magnitude and importance of the projected improvement and the highly specialized engineering ability and experience required for a construction of the character proposed, the Commission has considered it to be expedient and necessary and in the interest of economy to assent to the proposed arrangement under the conditions as hereinafter set forth, and has determined that under all the circumstances it would be proper and in the interest of the respective parties to the proceeding to approve the contract. It is therefore

Ordered: That said contract entered into by and between the City of Watertown and the Concrete-Steel Engineering Company, as approved by The New York Central Railroad Company, for the employment of the Concrete-Steel Engineering Company as consulting, designing, and supervising engineer for the construction of the Court Street viaduct over the tracks of the New York Central railroad and the Black river in the city of Watertown, pursuant to an order of the Commission dated 10th May, 1917, be and is hereby approved under the following limitations and conditions, to wit: (a) The said contract shall not in any manner or under any circumstances be construed to violate, change, or modify subdivision 6 of section 94 of the Railroad Law, in which it is provided that the work shall be subject to the supervision and approval of the Public Service Commission; (b) that such approval shall in no manner and under no circumstances or conditions obligate either The New York Central Railroad Company or the State of New York to any expenditure in excess respectively of \$130,000 and \$65,000, as provided in the order herein of May 10, 1917; (c) that if the cost of the work of construction chargeable to the elimination as more fully specified and described in said order of May 10, 1917, is less than \$260,000, the said engineering charges as determined and fixed by said contract shall be apportioned between the elimination account and the City of Watertown respectively in the same ratio that \$260,000 bears to \$35,000, said last mentioned sum being the estimated cost of the lower deck or level of the Black River bridge, the cost of which is to be borne by the City of Watertown.

[Case No. 5645]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of SOUTHERN NEW YORK POWER AND RAILWAY CORPORATION under subdivision 10, section 8 of the Railroad Law for authority to make a mortgage; and under section 55 of the Public Service Commissions Law for authority to issue bonds to be secured thereby.

Third
supplemental
order.

Petition filed July 25, 1916; supplemental petition filed October 14, 1916; hearing held October 16, 1916; order entered October 19, 1916; second supple-

mental petition filed April 6, 1917; hearing held May 25, 1917; supplemental and amendatory order entered June 12, 1917; third supplemental petition filed June 27, 1917; second supplemental order entered July 31, 1917; fourth supplemental petition filed April 11, 1918; hearing held May 3, 1918; report of division of capitalization dated May 15, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the authority heretofore granted to the Southern New York Power and Railway Corporation by order herein dated October 19, 1916, to execute a mortgage for \$10,000,000 and to issue its 5 per cent bonds thereunder is hereby canceled.

2. That the Southern New York Power and Railway Corporation is hereby authorized to execute and deliver to The Equitable Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of April, 1918, to secure an issue of first mortgage ten-year bonds to the aggregate amount of \$5,000,000 face value, \$1,000,000 of said bonds to bear interest at the rate of 6 per cent per annum, and the remainder of the bonds to bear interest at "such rate of interest, not to exceed 6 per cent per annum, as the board of directors by resolution shall determine," a revised copy of which indenture was filed with the Commission herein on May 14, 1918, and that the form thereof so filed is hereby approved; provided that said corporation shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission, and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

4. That the Southern New York Power and Railway Corporation is hereby authorized to issue \$1,000,000 face value of its 6 per cent 10-year first mortgage bonds under the aforesaid mortgage.

5. That of the said bonds herein authorized, bonds of a total face value of \$952,000 shall be exchanged for \$1,085,000 in face amount of the first mortgage bonds of the petitioner which were issued under its former name, i. e. Otsego and Herkimer Railroad Company, and said \$1,085,000 of bonds thus redeemed shall be promptly canceled.

6. That the balance of said bonds herein authorized, viz. bonds of a total face value of \$48,000, or the proceeds thereof at their face value, shall be used solely and exclusively for the acquisition of a like par amount of the common capital stock of the Southern New York Power Company, formerly called Colliers Light, Heat and Power Company; provided that a release of the \$48,000 face amount of first mortgage bonds of the petitioner which were issued under its former name and which are held in escrow by the Equitable Trust Company shall be procured, and said bonds shall be promptly canceled.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Southern New York Power and Railway Corporation unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Southern New York Power and Railway Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold or exchanged during such period; (b) the dates of such sales or exchanges; (c) to or with whom such bonds were sold or exchanged; (d) what proceeds if any were realized from such sales; (e) the amount and description of securities which were received in exchange; (f) any other terms and conditions of such transactions. Such reports shall continue to be filed until all of said bonds shall have been sold or exchanged and the

proceeds if any used in accordance with the authority contained herein, and if during any period no bonds were sold or exchanged or proceeds used the report shall set forth such fact.

9. That the authority contained in this order to execute a mortgage and to issue bonds thereunder is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the bonds herein authorized and [or] the money to be procured by the issue thereof is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5739]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day of
May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHTE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition and Supplemental Petition of the LAWRENCE PARK HEAT, LIGHT AND POWER COMPANY under sections 68 and 81, Public Service Commissions Law, for permission to construct in portions of the incorporated village of Bronxville an electric plant and a steam plant; and for approval of the exercise of rights and privileges under franchises therefor received from said village.

Order to
show cause.

The Westchester Lighting Company having filed with this Commission a letter dated May 15, 1918, protesting against operation of electric lines in the incorporated village of Bronxville, Westchester county, by Lawrence Park Heat, Light and Power Company, and alleging that such operation is in violation of statute and an order of this Commission dated October 9, 1917, in the above matter; and the Commission being further informed in this matter by a letter dated March 13, 1918, from Joseph S. Wood, attorney, Lawrence Park Heat, Light and Power Company; and it seeming that if the operation complained of is unlawful, action should be taken by this Commission, it is

Ordered: That the Lawrence Park Heat, Light and Power Company show cause before this Commission, at the office of the Commission, No. 58 North Pearl street, in the city of Albany, on Tuesday, May 28, 1918, at 12 o'clock m., why said alleged unlawful operation should not cease.

[Case No. 6092]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day of
May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition and Amendatory Petition of OGDENSBURG
STREET RAILWAY COMPANY under subdivision 1, sec-
tion 49, Public Service Commissions Law, for per-
mission to increase passenger fares.

Upon the facts found and for the reasons stated in the accompanying
Opinion, it is determined and stated that the present rates of fare charged
by the Ogdensburg Street Railway Company are unjust and unreasonable,
for the reason that they are insufficient to yield a fair return on the value of
the property used in the public service, and that just and reasonable rates
are those hereinafter prescribed; and it is.

Ordered: 1. That the Ogdensburg Street Railway Company be and it
hereby is permitted to charge the following fares within the city of
Ogdensburg:

Cash Fare:

The cash fare for transportation of a passenger (and hand baggage) between any
two points on the lines of this company's railroad will be seven cents.

Ticket Fares:

Strips of six tickets will be sold for 35 cents, and strips of four tickets will be
sold for 25 cents. Each ticket is good for transportation of holder between any two
points on the lines of this railroad.

Special tickets good for transportation between any two points on lines of this
railroad, if presented between the hours of 6:30 and 7 o'clock a. m., or between
5:45 and 6:30 p. m., will be sold to any purchaser in lots of 1000 tickets for \$50.

These tickets are good for use only by the purchaser, member of his family, or his
employees.

Regulations:

Children under 5 years of age, accompanied by parent or guardian, will be carried
free.

For children 5 years of age or over, full fare will be charged.

No baggage, other than hand baggage of a passenger, will be transported on the
cars of this company.

2. That such fares may be made effective upon five days' notice to the
public and the Commission, the tariff effecting such increase to be filed in
accordance with the provisions of section 28 of the Public Service Commis-
sions Law, and to bear the following notation: "Issued on five days' notice
to the public and the Commission under order of the Public Service Commis-
sion, Second District, State of New York, of date May 21, 1918, in case
No. 6092."

3. This determination and order may be reopened at any time after Novem-
ber 1, 1918, if it be made to appear to the Commission that the controlling
reasons for allowing an increase in fares, in excess of those which otherwise
would legally obtain, no longer exist.

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[Case No. 6417]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of CHASM POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$25,000 in 5 per cent bonds under an existing first mortgage for \$75,000.

Petition filed April 21, 1918; report of division of light, heat, and power dated May 14, 1918; report of division of capitalization dated May 15, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Chasm Power Company is hereby authorized to issue \$25,000 face value of its 5 per cent first mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated the 15th day of April, 1916, given to Frank P. Kennedy, cashier of the First National Bank of Chateaugay, N. Y., as trustee, to secure an authorized issue of bonds of a total face value of \$75,000.

2. That said bonds of the total face value of \$25,000 may be sold for not less than their face value to realize net proceeds of at least \$25,000.

3. That the proceeds of said bonds so authorized, which shall not be less than \$25,000, shall be used solely and exclusively for the following purposes:

For the construction of an auxilliary power house and for the purchase of necessary equipment therefor as set forth in the petition herein, as amplified by letter dated May 7, 1918:

Land site	\$2,500.00
Building material	8,000.00
Labor	2,000.00
Dynamo and switchboard.....	3,000.00
Engine	4,500.00
Boiler	6,500.00
Installation	2,000.00
	<hr/>
	\$28,500.00

Amount unprovided for..... \$3,500.00

in so far as the same may be applicable, provided (1) that the proceeds of such bonds shall be applied toward the cost of new construction summarized above only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined by the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such bonds over the actual costs thereof shall be used for any purpose without the further order of this Commission: (4) that the unit prices contained in the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and

shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Chasm Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That the Chasm Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold during such period; (b) the dates of such sales; (c) to whom such bonds were sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) in detail the amount expended during such period of the proceeds of the bonds herein authorized for each of the purposes specified herein and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for each of such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or proceeds expended the report shall set forth such fact.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6429]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of FITZHUGH MCGREW
against EMPIRE GAS AND ELECTRIC COMPANY as to
proposed discontinuance of furnishing steam on
South Main street, Geneva.

The above named complainant having by letter dated May 15, 1918, withdrawn his complaint, it is

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Ordered: That the matter of this complaint is hereby closed on the records of the Commission, this case being held open, however, in the petition (or complaint) of the mayor of Geneva on the same subject.

[Case No. 6444]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of a Schedule of Passenger Fares Filed by the UNITED TRACTION COMPANY with this Commission May 2, 1918.

The United Traction Company having on May 2, 1918, filed with this Commission a schedule known as local tariff of passenger fares, P. S. C., 2 N. Y., No. 11, proposed to become effective June 2, 1918, superseding its tariff P. S. C., 2 N. Y., No. 10, now in effect; and it appearing that by said tariff No. 11 rates of fare for passengers on said company's railroad would in certain instances be increased; and this Commission being of the opinion, because of the increases proposed, that it should on its own initiative enter upon a hearing concerning the propriety of the proposed increased fares, and that pending hearing and decision such schedule should be suspended, it is

Ordered: That the operation of said schedule of said United Traction Company known as local tariff of passenger fares, P. S. C., 2 N. Y., No. 11, is hereby suspended for sixty days from and including June 2, 1918, to wit, until and including July 31, 1918, and the putting in effect of the fares and regulations stated therein is hereby deferred for the same period unless this Commission in the meantime supersedes or modifies this order.

Further Ordered: That a copy of this order be filed with the Commission's copy of said United Traction Company's tariff P. S. C., 2 N. Y., No. 11, and that the aforesaid carrier shall publish, post, and file a supplement to said tariff giving due notice of this suspension.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in said city.

The Erie Railroad Company has entered into a contract with Shelden B. Broadhead, Almet N. Broadhead, and Margaret A. Broadhead covering certain

changes in the construction heretofore proposed and as more clearly shown on the approved general plan for carrying out the Commission's determination in the above entitled matter, the changes proposed being in respect of the location and design of the masonry work between Institute street and Main street, all as more fully shown upon a plan, detail sheet No. 20, attached to and made a part of the contract. This plan and the contract have also been approved by City of Jamestown, as shown by letter dated May 7, 1918, from the corporation counsel. In view of the fact that this proposed construction is desired by the interested parties, and for the reason that the cost of construction as shown by estimates made will be decreased by a substantial sum, and that the general scheme of elimination will not be affected or changed thereby, it is

Ordered: That said contract, including detail plan sheet No. 20 attached thereto, be and is hereby approved by this Commission.

[Case No. 5981]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of May, 1918.

Present:

CHARLES B. HULL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for the elimination of crossings in the cities of Tonawanda and North Tonawanda.

Upon the recommendation of The New York Central Railroad Company as indicated by the signature of its chief engineer upon five detail plans showing the masonry abutments and the superstructure for the bridge over Ellicott creek necessary to be constructed pursuant to a determination of the Commission in the matter above entitled; and upon the approval of the State of New York as indicated by the signatures of the Deputy State Superintendent of Public Works and the State Engineer and Surveyor, it is

Ordered: That said plans be and are hereby approved by this Commission.

[Case No. 6097]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of May, 1918.

Present:

CHARLES B. HULL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of SCHENECTADY RAILWAY COMPANY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

This petition or complaint was filed with this Commission June 25, 1917, asking authority to increase the rate of fare from five cents to six cents in the city of Schenectady. No special hearing on the merits of the case was

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held, but on April 18, 1918, after the decision of the Court of Appeals in what is known as the Quinby case, a hearing on this petition was held in relation to whether or not there was a franchise limitation in the city of Schenectady on the rate of fare, and at the hearing Mr. Lewis E. Carr, representing the petitioner, asked leave to withdraw the petition; and there seeming to be no reason why the request of the company should not be granted, it is

Ordered: That said request to withdraw said petition is hereby granted, and this case is hereby closed on the records of the Commission as withdrawn.

[Case No. 6099]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of WAVERLY, SAYRE AND ATHENS TRACTION COMPANY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

January 31, 1918, this Commission made an order, after investigation, permitting the Waverly, Sayre and Athens Traction Company to make its rate of fare for passengers from point to point within the village of Waverly six cents. A tariff in accordance therewith was thereupon filed, but later voluntarily canceled by the corporation upon ascertaining that there existed a franchise restriction of five cents. It now appearing to the Commission that the trustees of the Village of Waverly, by resolution adopted May 8, 1918, has so modified such franchise restriction as to permit a charge of six cents during the period named in said resolution, it is

Ordered: That said Waverly, Sayre and Athens Traction Company may accordingly file with this Commission a tariff effecting such increase of fare, which tariff may be made effective on not less than three days' notice to the public and the Commission, and shall bear the following notation: "Issued under order of the Public Service Commission, Second District, State of New York, of date May 23, 1918, in case No. 6099."

[Case No. 6327]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaints against THE LONG ISLAND RAILROAD COMPANY as to discontinuance of receipt of less than carload shipments at its Bushwick station, Brooklyn.

Complaints having been made against The Long Island Railroad Company in the above entitled proceeding that said company has ceased to receive freight

in less than carload shipments at its Bushwick station, in the borough of Brooklyn, city of New York; and the railroad company having made answer thereto; and the proceeding having come on to be heard before Commissioner Barhite at the office of the Commission in the city of New York on the 3rd day of April, 1918; and the evidence of the complainants and the respondent having been taken at that time; and it appearing from said evidence that the railroad had refused to receive freight in less than carload lots for the reason that the railroad is unable to obtain the necessary labor in order to care for the freight received at said Bushwick station; and the complainants having made an offer to assist the railroad company in obtaining the necessary labor, and the above proceeding having been held in order to give the parties an opportunity to make arrangements whereby the railroad company would be enabled to receive freight in less than carload lots at said Bushwick station; and the parties having come before the Commission again on the 1st day of May, 1918, and stated to the Commission that no arrangements had been made to relieve the situation; and this Commission having found that in the present state of the labor market the railroad company will be unable to furnish the necessary men to take care of the freight offered in less than carload lots at the said Bushwick station, it is

Ordered: That the petitions in the above entitled matter be and the same are hereby dismissed and the case closed on the books of the Commission, with leave to the petitioners to make application to reopen the same when the condition of the labor market becomes such as to warrant such procedure.

[Case No. 6415]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of JOHN WILDI EVAPORATED MILK COMPANY under section 53, Public Service Commissions Law, for permission to construct, and for approval of a franchise or right from the Supreme Court to construct, at grade, a single track switch and siding in the village of Unadilla, Otsego county, crossing Martin Brook street at grade.

A hearing on this petition was held in Albany May 16, 1918. There were appearances on behalf of the petitioner, The Delaware and Hudson Company, and the Village of Unadilla. The Delaware and Hudson Company joining in such petition, and the said petitioner consenting thereto, and that the permission to construct, maintain, and operate a single track switch and siding in the village of Unadilla, Otsego county, crossing Martin Brook street at grade, be given to said The Delaware and Hudson Company; and the petitioner and said railroad company being the owners of the lands, except said street, over which such switch is to be constructed, and of all the lands adjoining and bounding that portion of said street where said switch will cross the same, and there being no opposition to the granting of such permission, it is determined and stated that the construction of said track and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission of this Commission be and it hereby is given to The Delaware and Hudson Company for the construction, maintenance,

and operation of a single track switch and siding in the village of Unadilla, Otsego county, crossing Martin Brook street at grade.

2. That the said switch or siding will be so located, constructed, maintained, and operated as not to interfere with or obstruct the traveled part of the said street or of any intersecting street or highway.

3. That the approval of this Commission be and it hereby is given to said The Delaware and Hudson Company and said petitioner to exercise the rights and privileges contained in the consent given by said village dated April 17, 1918, subject however to all of the terms and conditions thereof.

4. That the petitioner and The Delaware and Hudson Company shall notify this Commission within ten days after the service of this order whether the terms thereof are accepted and will be obeyed by each of them in all respects.

[Case No. 6434]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of MICHAEL J. O'HARA of Camillus, under chapter 667 of the laws of 1915, for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Syracuse, it being proposed that the route shall also be operated to the incorporated villages of Solvay and Camillus.

Michael J. O'Hara asks for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Syracuse and the incorporated village of Solvay, Onondaga county. The consent of the municipal authorities of the City of Syracuse was granted March 18, 1918, subject to certain terms and conditions. A public hearing was held in the city of Syracuse on the 20th day of May, 1918, at which Mr. Benjamin Stolz appeared for Michael J. O'Hara; Mr. Willis H. Michell appeared for the New York State Railways; and Nottingham & Nottingham appeared for the Auburn and Syracuse Electric Railroad Company. The consent of the municipal authorities of the City of Syracuse was granted upon the condition that passengers shall not be received on or discharged from motor vehicles within the city limits excepting at the city terminus, except that on outgoing trips passengers may be taken on along the route within the city and on incoming trips passengers may be discharged along the route within the city. It was stipulated at the hearing that no passengers would be carried by the petitioner from one point to another within the city of Syracuse, nor from any point within the city of Syracuse to any point within the village of Solvay, in either direction. The petition states that the applicant proposes to operate under the name of Camillus-Syracuse Bus Line, and there has been filed a certified copy of certificate filed in the county clerk's office of Onondaga County by Michael J. O'Hara, the applicant, to do business under the name of Camillus-Syracuse Bus Line, as provided by section 440 of the Penal Law. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Michael J. O'Hara of the auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Syracuse, a copy whereof is attached to the petition herein, from a point beginning in the city of Syracuse in West Water street at

Clinton Square, thence along West Water street to Clinton street, thence along Clinton street to West Genesee street, thence along West Genesee street to the city line of the city of Syracuse; and to operate one round trip daily upon and along the following streets and highways, beginning in West Water street in the city of Syracuse at Clinton Square, thence along West Water street to Clinton street, thence along Clinton street to West Genesee street, thence along West Genesee street to Willis avenue, thence along Willis avenue to Milton avenue, thence along Milton avenue to the city line of the city of Syracuse, thence along Milton avenue in the village of Solvay; to be operated only as a part of the line from the city of Syracuse through the incorporated village of Solvay to the incorporated village of Camillus, but not to carry passengers locally from one point to another within said city of Syracuse nor between said city of Syracuse and the village of Solvay. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Syracuse, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 4886]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the UTICA GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$2,500,000 common capital stock, and \$350,000 5 per cent bonds under an existing refunding and extension mortgage for \$5,000,000. Amendatory order.

Petition filed April 8, 1915; order entered May 4, 1915; supplemental petition filed September 22, 1917; report of division of light, heat, and power dated November 21, 1917; report of division of capitalization dated November 23, 1917; order entered December 6, 1917; second supplemental petition filed May 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order entered herein under date of December 6, 1917, is hereby modified and amended in such manner as to permit the Utica Gas and Electric Company to sell the \$1,260,000 face value of bonds therein authorized to be issued for not less than 85 per cent of their face value, to give net proceeds of at least \$1,071,000, which proceeds shall be used solely for the purposes set forth in said order of December 6, 1917.

2. That in all other respects the terms and conditions of said order of December 6, 1917, shall remain in full force and effect.

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[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Upon the recommendation of the Erie Railroad Company as indicated by the signatures of its chief engineer, assistant chief engineer, and engineer of bridges and buildings upon a plan showing the details of the retaining wall on the north side of the tracks between the Broadhead Worsted Mills and an arch under the railroad (station 723 plus 09.72 to 726 plus 51.16), said wall to be constructed pursuant to a determination of the Commission in the matter above entitled, and in accordance with a contract entered into between the Broadheads, the owners of the adjacent land and buildings, and the Erie Railroad Company; and upon the approval of the local authorities as similarly indicated by the signature on said plan of the city engineer, it is

Ordered: That said plan dated June 18, 1917, and designated as "Sheet No. 21," be and the same is hereby approved.

[Case No. 6159]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of BUFFALO, LOCKPORT AND ROCHESTER RAILWAY COMPANY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

The petition of the Buffalo, Lockport and Rochester Railway Company for permission to increase the rate of fare or charge to be received by it within the limits of the city of Rochester from five cents to six cents per passenger having been duly filed with this Commission on the 25th day of July, 1917; and no public hearing on the merits of the application having been had; but it appearing upon the hearing held at Albany on April 18, 1918, upon the question as to whether or not this application comes within the ruling of the Court of Appeals in the Quinby case, that this company operates in the city of Rochester by virtue of a traffic agreement with the New York State Railways; and application having been made by the corporation counsel of the City of Rochester for dismissal of the proceeding on the ground that the Commission had no jurisdiction, and the counsel for the petitioner having conceded that the Quinby case disposes of this application, it is

Ordered: That the petition herein be and the same hereby is dismissed and the case closed upon the records of the Commission.

[Case No. 6183]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of May, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the NEW YORK TELEPHONE COMPANY under section 101 of the Public Service Commissions Law for authority to issue \$25,000,000 in common capital stock.

Petition filed under date of August 26, 1917; supplemental petition filed October 31, 1917; hearing held May 3, 1918; second supplemental petition (letter) filed May 14, 1918; report of division of capitalization dated May 20, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the New York Telephone Company is hereby authorized to issue \$25,000,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$25,000,000.

2. That the proceeds of said stock so authorized, which shall not be less than \$25,000,000, shall be used solely and exclusively for the following purposes:

(a) For discharge of demand notes outstanding at June 30, 1917, as detailed in exhibit A of the original petition herein, or the renewals thereof	\$11,200,000
(b) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the period from July 1, 1912, to June 30, 1917, inclusive, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation.....	13,400,000
(c) To be applied toward the cost of proposed construction, completion, extension, and improvements of petitioner's facilities in New York state during the year subsequent to June 30, 1917, as detailed in exhibit D of the original petition herein.....	400,000
	<hr/> \$25,000,000

in so far as the same may be applicable, provided (1) that the proceeds of such stock shall be applied toward the cost of new construction summarized in subdivision (c) hereof only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined by the Uniform System of Accounts for Telephone Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such stock over the actual costs thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit D of the original petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Telephone Corporations.

3. That the New York Telephone Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause No. 2 of this order there shall be shown in detail the amount of the proceeds of the stock herein authorized which was expended for this purpose during the period; (g) with respect to subdivision (b) of clause No. 2 of this order there shall be shown the amount of the proceeds of the stock herein authorized which was used for this purpose during the period; (h) with respect to subdivision (c) of clause No. 2 of this order there shall be shown (1) in detail the amount of the proceeds of the stock herein authorized which has been expended during such period for each of the purposes set forth in exhibit D attached to the original petition herein, and the account or accounts under the Uniform System of Accounts for Telephone Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivision (h), sections 2 and 3, of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended the report shall set forth such fact.

4. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and property of the petitioner herein shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the company, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

5. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Special Permission Tariffs, May, 1918.

No. 7017; May 1, 1918; Lehigh Valley Railroad Company:

Ordered: That on its application therefor dated April 30, 1918, the Lehigh Valley Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, tariffs superseding and reissuing without change the rates stated in its tariffs P. S. C. 2 N. Y., Nos. D-3470, on Salt; D-3471, on Salt; D-3473, on Fertilizer; D-3482, on Water; D-3505, on Canned Fruits or Vegetables; and D-3509, on Brass Residue,

Ashes, Skimmings, etc.; such new tariffs to also supersede respectively the company's tariffs P. S. C., 2 N. Y., Nos. D3089, D-3298, D-2887, D-2914, D-2903, and D-2893. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. Nos. D-3623, D-3624, D-3625, D-3626, D-3627, and D-3628; effective May 4, 1918.

No. 7018; May 1, 1918; The New York Central Railroad Company, for itself and in behalf of other carriers:

Ordered: That on application therefor dated May 1, 1918, The New York Central Railroad Company, Boston and Maine Railroad (J. H. Hustis, Temporary Receiver), Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof), The New York, Chicago and St. Louis Railroad Company, The Pittsburg, Shawmut and Northern Railroad Company, and the West Shore Railroad (The New York Central Railroad Company, lessee), be and they are hereby authorized to file supplements to the said carriers' schedules containing "Rules and Regulations Governing Reconsignment and Diversion of Carload Freight," and numbered respectively P. S. C., 2 N. Y., N. Y. C. No. 4717; P. S. C., 2 N. Y., No. 777; P. S. C., 2 N. Y., No. A-688; P. S. C., 2 N. Y., No. 635; P. S. C., 2 N. Y., No. 697; and P. S. C., 2 N. Y., W. S. No. 1417, filed to become effective May 1, 1918, or later dates, for the purpose of postponing until August 29, 1918, the operation and effect, as to New York state traffic, of rules and charges contained in said schedules governing grain, seed (field), seed (grass), hay, or straw, carloads, held in cars on track for inspection and disposition orders incident thereto at billed destinations or at points intermediate thereto. Such postponement supplements may be issued and filed without observance of the requirements of Rule 9(e) of this Commission's Circular No. 55, and may be made effective same date as tariff to be affected thereby. This authority is given in order that uniform charges and practices may obtain as to New York state and interstate traffic, the Interstate Commerce Commission by its order of date April 29, 1918, in Investigation and Suspension Docket No. 1161, Reconsignment Case (No. 2), having suspended as to interstate traffic the said rules and charges until August 29, 1918, unless otherwise ordered by the Commission; it does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications except as noted, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by various schedules filed by carriers named.

No. 7019; May 2, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated April 30, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of \$1.09½ per cord to apply on carload shipments of Cord Wood, Mill Wood, Slab Wood, and Edgings, minimum 12 cords, from Morgan, N. Y., to Piercefield, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 4560, effective May 18, 1918.

No. 7020; May 2, 1918; Niagara Junction Railway Company:

Ordered: That on its application therefor dated April 30, 1918, the Niagara Junction Railway Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission, within thirty days from the date hereof, and under an effective date not earlier than May 11, 1918, a tariff schedule establishing rules and charges to govern the diversion or reconsignment of carload freight as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does

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not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 8, effective May 15, 1918.

No. 7021; May 3, 1918; Lehigh Valley Railroad Company:

Ordered: That on its application therefor dated May 2, 1918, the Lehigh Valley Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff on Live Stock, etc., P. S. C., 2 N. Y., No. 3610, for the purpose of correcting the P. S. C., 2 N. Y., number of said tariff to read "P. S. C., 2 N. Y., No. 3630". This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. D-3630, effective May 11, 1918.

No. 7022; May 3, 1918; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That on its application therefor dated May 1, 1918, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its tariff of rules and regulations covering diversions and reconsignment of carload freight, P. S. C., 2 N. Y., No. 268, for the purpose of correcting the P. S. C., 2 N. Y., number of said tariff to read "P. S. C., 2 N. Y., No. 269". This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 269, effective June 26, 1918.

No. 7023; May 4, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated May 2, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of \$1.30 per gross ton of 2240 pounds to apply on carload shipments of Fluxing Stone, minimum weight 30 gross tons, from Gasport, N. Y., to Troy, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4730, effective May 13, 1918.

No. 7024; May 4, 1918; The Delaware and Hudson Company:

Ordered: That on its application therefor dated May 3, 1918, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3447, establishing a rate of \$1.60 per ton of 2240 pounds to apply on carload shipments of Iron Ore, minimum weight as per Official Classification, from Port Henry, N. Y., via Binghamton, N. Y., and the Erie Railroad to Griswold, N. Y., Index No. 298; to Lockport, N. Y., Index No. 321, inclusive; and to Blasdell, N. Y., Index No. 390; to Hamburg, N. Y., Index No. 393, inclusive. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 3447, effective May 10, 1918.

No. 7025; May 6, 1918; The Delaware and Hudson Company:

Ordered: That on its application therefor dated May 6, 1918, The Delaware and Hudson Company be and is hereby authorized to file, on not less

than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3443, establishing a rate of \$1.60 per 2240 pounds to apply on carload shipments of Iron Ore, minimum weight as per Official Classification, from Port Henry, N. Y., via Schenectady, N. Y., and the New York Central railroad to Harriet, N. Y., Niagara Falls, N. Y., and Suspension Bridge, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 2 to P. S. C. No. 3443, effective May 10, 1918.
No. 7026; May 6, 1918; Buffalo Southern Railway Company:

Ordered: That on its application therefor dated May 4, 1918, the Buffalo Southern Railway Company be and is hereby authorized to file, on not less than 15 days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to discontinue sale of round-trip tickets shown on page 3 of tariff P. S. C., 2 N. Y., No. 6, and to discontinue sale of round-trip tickets between Orchard Park and Erie County Fair Grounds shown in tariff P. S. C., 2 N. Y., No. 5, and establishing rates for the sale of sixty-trip and fifty-trip commutation tickets as set forth in said application, which application is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 7, effective June 1, 1918.
No. 7027; May 7, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That on its application therefor dated May 6, 1918, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rates to apply on carload shipments of Amesite and Crushed Stone, minimum weight 40,000 pounds, from LeRoy, N. Y., including siding of General Crushed Stone Company, and Lime Rock, N. Y., via Pittsburgh & Lehigh Junction, N. Y., and Lehigh Valley railroad, as follows: to Lima, N. Y., and Mendon, N. Y., 80 cents per 2000 pounds; to Stanley, N. Y., \$1 per 2000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1468, effective May 11, 1918.
No. 7028; May 7, 1918; Lowville and Beaver River Railroad Company:

Ordered: That on its application therefor dated May 6, 1918, the Lowville and Beaver River Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of five cents per can to apply on shipments of Milk, Fluid, in 40-quart cans, from New Bremen, N. Y., to Croghan, N. Y., said rate to include free return in milk cars of empty cans. Shipments must be iced by shippers, and when car is left at shipping station shippers will be required to unload empty cans and load the milk. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 42, effective May 12, 1918.
No. 7029; May 8, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated May 7, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff superseding its tariff P. S. C., 2 N. Y.,

N. Y. C. No. 3273, and reissue without change the regulations and charges therein except to increase charge for feeding at East Syracuse, N. Y., of Live Stock in transit to \$2.50 per bushel of corn used. This authority is given in order that uniform charges and practices may obtain as to New York state and interstate traffic; it does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4741, effective May 17, 1918.

No. 7030; May 8, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated May 7, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff superseding its P. S. C., 2 N. Y., N. Y. C. No. 3272, Charges for Feeding Live Stock in Transit at East Buffalo Stock Yards, and reissue without change the regulations and charges now contained therein except to substitute for regulations now reading: "When corn is furnished, \$2 per car, which will include unloading, watering, one bushel of corn, and re-loading"; and "Where corn is furnished to animals in cars without unloading and re-loading, the charge for one bushel of corn will be \$2, and any excess over one bushel will be charged for at current Stock Yard prices"; the following: "(1) When corn is furnished, \$2.50 per car, which will include unloading, watering, one bushel of corn, and re-loading. (2) Where corn is furnished to animals in cars without unloading and re-loading, the charge for one bushel of corn will be \$2.50, and any excess over one bushel will be charged for at current Stock Yard prices." This authority is given in order that uniform charges and practices may obtain as to New York state and interstate traffic; it does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4740, effective May 17, 1918.

No. 7031; May 10, 1918; Rochester and Syracuse Railroad Company, Inc.:

Ordered: That on its application therefor dated May 9, 1918, the Rochester and Syracuse Railroad Company, Inc., be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish rates and regulations to apply to the carload transportation of merchandise in foreign equipment, in either direction between Lake Shore Junction Siding, N. Y., and Jordan, N. Y., as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 5, effective May 16, 1918.

No. 7032; May 10, 1918; R. N. Collyer, Agent:

Ordered: That on application therefor dated May 10, 1918, R. N. Collyer, agent, duly authorized by railroad carriers under the jurisdiction of this Commission to file the Official Classification and supplements thereto, be and is hereby authorized to file, on not less than statutory notice to the public and the Commission, a supplement to Official Classification P. S. C., 2 N. Y., O. C. No. 44, containing amendments thereto to become effective on or before July 1, 1918, without observance of the requirements of Rule 9(e) of this Commission's Circular No. 55. This authority is given in order that uniform regulations may apply as to schedules governing interstate and New York state traffic, the Interstate Commerce Commission, in its order of March 26, 1918, case No. 9096, having required certain regulations and ratings established on or before July 1, 1918.

Completed by supplement No. 24 to P. S. C. O. C. No. 44, effective July 1, 1918.

No. 7033; May 10, 1918; R. N. Collyer, Agent:

Ordered: That on his application therefor dated May 10, 1918, R. N. Collyer, duly authorized agent for carriers under the jurisdiction of this Commission, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to Official Classification P. S. C., 2 N. Y., O. C. No. 44, adding "U. S. Railroad Administration, New York Canal Section," to the list of participating carriers shown in said classification. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 24 to P. S. C. O. C. No. 44, effective May 20, 1918.

No. 7034; May 15, 1918; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That on its application therefor dated May 13, 1918, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of fifty cents per 2240 pounds to apply on carload shipments of Silica Rock, minimum weight 80,000 pounds, from Black Rock, N. Y., Buffalo (Carroll Street, Louisiana Street, Ohio Street, and Erie Street stations), N. Y., and East Buffalo, N. Y., to Harriet, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1432, effective May 22, 1918.

No. 7035; May 15, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated May 13, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of 50 cents per 2240 pounds to apply on carload shipments of Silica Rock, minimum weight 80,000 pounds, from Black Rock, N. Y., Buffalo (Carroll Street, Louisiana Street, Ohio Street, and Erie Street stations), N. Y., and East Buffalo, N. Y., to Harriet, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4745, effective May 22, 1918.

No. 7036; May 15, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated May 13, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of \$2.74 per 2000 pounds to apply on carload shipments of Pulpwood, minimum weight 40,000 pounds, from Newton Falls, N. Y., to Corinth, N. Y., and Fort Edward, N. Y., via Schenectady, N. Y., and The Delaware and Hudson Company's railroad. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 4651, effective May 20, 1918.

No. 7037; May 15, 1918; Genesee and Wyoming Railroad Company:

Ordered: That under its application therefor dated May 14, 1918, the Genesee and Wyoming Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of 14½

cents per 100 pounds to apply on carload shipments of Salt, minimum weight as per Official Classification, from Halite, N. Y., and Retsof, N. Y., via Pittsburgh and Lehigh Junction, N. Y., Buffalo, Rochester and Pittsburgh railway, Rochester (Canal Docks), N. Y., and United States Railroad Administration, New York Canal Section, to New York, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 180, effective May 18, 1918.

No. 7038; May 16, 1918; Hudson River Day Line:

Ordered: That on its application therefor dated May 16, 1918, the Hudson River Day Line be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than May 24, 1918, a local and joint passenger tariff of one-way and round-trip fares applying from New York, N. Y., Yonkers, N. Y., and Albany, N. Y., to destinations in the State of New York as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 29, effective May 24, 1918.

No. 7039; May 17, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That on its application therefor dated May 15, 1918, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff reissuing, without change, the rates and regulations contained in tariff P. S. C., 2 N. Y., No. 1424, for the purpose of canceling tariff P. S. C., 2 N. Y., No. 1229. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1483, effective June 10, 1918.

No. 7040; May 17, 1918; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That on its application therefor dated May 16, 1918, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rates per can to apply on shipments of Fluid Milk from Lebanon, N. Y., Georgetown, N. Y., and Oran, N. Y., via the New York Central railroad to Fort Plain, N. Y., as follows: Less than carloads, minimum 75 cans, 30½ cents; carloads, minimum 250 cans, 26.7 cents. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1434, effective May 24, 1918.

No. 7041; May 17, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated May 15, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 4660, to establish as to New York state traffic the rates on Soda and Soda Products as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commission's Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 4660, effective May 24, 1918.

No. 7042; May 18, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That on its application therefor dated May 17, 1918, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. 1412, such supplement to cancel tariff P. S. C., 2 N. Y., No. 1231, and establish the rates shown in said P. S. C., 2 N. Y., No. 1412, which are applicable to New York state traffic. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 1412, effective May 29, 1918.

No. 7043; May 20, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated May 17, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of 26.7 cents per can to apply on carload shipments of Fluid Milk, in 40-quart cans, minimum 250 cans, from DeKalb Junction, N. Y., via the West Shore railroad to Canajoharie, N. Y., said rate not to include icing but will include the free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4747, effective May 22, 1918.

No. 7044; May 21, 1918; Erie Railroad Company:

Ordered: That on its application therefor dated May 20, 1918, the Erie Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of 50 cents per 2240 pounds to apply on carload shipments of Silicate Rock, minimum weight 80,000 pounds, from Black Rock (ex-lake, f. o. b. cars), N. Y., to Niagara Falls, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 4135, effective May 23, 1918.

No. 7045; May 23, 1918; Albany Southern Railroad Company:

Ordered: That on its application therefor dated May 22, 1918, the Albany Southern Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish local excursion fares to Electric Park and return as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 140, effective May 30, 1918.

No. 7046; May 23, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated May 21, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of 50 cents per 2240 pounds to apply on carload shipments of Silica Rock, minimum weight 80,000 pounds, from Harriet, N. Y., to Niagara Falls, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4756, effective May 27, 1918.

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No. 7047; May 23, 1918; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That on its application therefor dated May 21, 1918, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of 50 cents per 2240 pounds to apply on carload shipments of Silica Rock, minimum weight 80,000 pounds, from Harriet, N. Y., to Niagara Falls, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1438, effective May 27, 1918.

No. 7048; May 8, 1918; Central-Hudson Steamboat Company:

Ordered: That on its application therefor dated May 7, 1918, as subsequently amended, the Central-Hudson Steamboat Company be and it is hereby authorized to file, on not less than five days' notice to the public and the Commission and with an effective date not later than October 20, 1918, schedules increasing its joint rail-and-water, water-and-rail rates, and its all-water rates for the transportation of freight in New York intrastate commerce, on a level not higher than the existing all-rail rates applicable to similar traffic between the same points, said rates to include marine insurance. This authority is given in order that uniform rates and charges may obtain as to New York state and interstate traffic, the Interstate Commerce Commission by its Fifteenth Section Order No. 600, of date April 20, 1918, as amended, having authorized the filing of schedules containing similarly increased interstate rates and charges; it does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any rates that may be filed and established under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

Completed by P. S. C. Nos. 28, 29, and 30, effective June 5, 1918.

No. 7049; May 24, 1918; Buffalo Southern Railway Company:

Ordered: That on its application therefor dated May 22, 1918, the Buffalo Southern Railway Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its local passenger tariff P. S. C., 2 N. Y., No. 7, for the purpose of correcting the fare between Big Tree Road, N. Y., and Windom, N. Y., from ten to five cents. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 7, effective June 1, 1918.

No. 7050; May 24, 1918; Lehigh Valley Railroad Company:

Ordered: That on its application therefor dated May 21, 1918, the Lehigh Valley Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. D-3303, for the purpose of amending said tariff and establishing regulations and charges governing the dockage, switching, and trackage absorptions at Buffalo, N. Y., and East Buffalo, N. Y., as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order.

Completed by supplement No. 8 to P. S. C. No. D-3303, effective June 1, 1918.

No. 7051; May 27, 1918; The Delaware and Hudson Company:

Ordered: That on its application therefor dated May 25, 1918, The Delaware and Hudson Company be and is hereby authorized to file, on not less than

one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of 49.4 cents per can of 40 quarts to apply on carload shipments of Condensed Milk, minimum 250 cans, from Cherry Valley, N. Y., via Sidney, N. Y., and the New York, Ontario and Western railway to Mount Upton, N. Y., New Berlin, N. Y., Norwich, N. Y., and Walton, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3491, effective May 31, 1918.

No. 7052; May 27, 1918; Boston and Albany Railroad:

Ordered: That on its application therefor dated May 25, 1918, the Boston and Albany Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, for the purpose of correcting clerical errors, a supplement to its tariff P. S. C., 2 N. Y., No. 677, establishing, in so far as applicable to New York state traffic, the rates on Iron and Steel Articles, carloads and less carloads, shown on page 7 of exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 677, effective June 6, 1918.

No. 7053; May 28, 1918; Peekskill Lighting and Railroad Company:

Ordered: That on its application therefor dated May 25, 1918, the Peekskill Lighting and Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff establishing cash fare of five cents per capita between any two points in Zone 2 or Zone 3, and providing for the issuance of a monthly commutation ticket good for 54 rides in either direction between Verplancks and the corner of Albany Post Road and Welcher avenue for \$3.75, as shown in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 4, effective June 3, 1918.

No. 7054; May 29, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated May 28, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and effective not earlier than June 15, 1918, a tariff schedule to establish a rate of 50 cents per 2000 pounds to apply on carload shipments of Logs, minimum weight 40,000 pounds, from Constable, N. Y., to Malone, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 7055; May 31, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated May 28, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish a rate of 14.5 cents per 100 pounds to apply on carload shipments of Bar Iron, minimum weight as per Official Classification, from Auburn, N. Y., via West Shore railroad to Kingston, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 4760, effective June 5, 1918.

No. 7056; May 31, 1918; The United States Railroad Administration, New York Canal Section:

Ordered: That on its application therefor dated May 29, 1918, The United States Railroad Administration, New York Canal Section, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to establish rates per net ton of 2000 pounds to apply on canal-boat loads of Sand, minimum weight 200 net tons, from Vischer Ferry, N. Y., as follows: to Utica 85 cents, Syracuse \$1, Rochester \$1.20, Medina \$1.20, Buffalo \$1.20. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 11, effective June 4, 1918.

No. 7057; May 31, 1918; The United States Railroad Administration, New York Canal Section:

Ordered: That on its application therefor dated May 28, 1918, The United States Railroad Administration, New York Canal Section, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a local and proportional class and commodity tariff as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 7058; May 28, 1918; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That on its application therefor dated May 27, 1918, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than June 25, 1918, a tariff schedule canceling its tariff P. S. C., 2 N. Y., No. 1481, and establishing the transfer charges on Iron Ore (including Iron Pyrites) at Buffalo, N. Y., shown in tariff P. S. C., 2 N. Y., No. 1286. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 1481, effective June 25, 1918.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in said city.

Ordered: 1. That the fifth intermediate accounting entered into by the Erie Railroad Company, the City of Jamestown, and this Commission, showing expenditures to the amount of \$33,876.63, exclusive of interest, properly and necessarily incurred since the fourth intermediate accounting to December 31, 1917, in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said sum the Erie Railroad Company has expended \$28,227.69, the City of Jamestown has expended \$5334.58, and the State of New York has expended \$314.36; said accounting having been accepted by the railroad corporation as indicated by the signature of its comptroller, and by the City of Jamestown as indicated by the signature of its mayor.

2. That of the total amount of \$33,876.63 thus expended and herein accounted for, the share of and the amount chargeable to the Erie Railroad Company is the sum of \$16,938.31; the share of and the amount chargeable to the City of Jamestown is \$8469.16, upon which it is entitled to a credit in the sum of \$5334.58 expended by it as aforesaid; and the share of the State of New York is \$8469.16, upon which it is entitled to a credit of \$314.36 expended by it as aforesaid, leaving as a balance now due and payable by said State to said railroad company from funds appropriated for the elimination of grade crossings the sum of \$8154.80.

[Case No. 2683]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Application of the SCHENECTADY RAILWAY COMPANY for permission to increase its capital stock from \$4,100,000, its present amount, to \$4,500,000; and for consent to issue the amount of said increase of stock for the reimbursement of or as against moneys heretofore actually expended from income for any of the purposes set out in section 55 of the Public Service Commissions Law.

Petition filed December 29, 1911; supplemental petition filed November 10, 1914. Now therefore, upon the foregoing record,

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Ordered: That this case is hereby closed upon the records of the Commission, without prejudice to the right of the petitioner to reopen the same at any future date.

[Case No. 6076]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of ELMIRA, CORNING AND WAVERLY RAILWAY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

The petition in this matter having been filed with the Commission on the 25th day of June, 1917, praying that the Commission determine that the rate, fare, or charge to be received by it within the limits of cities and incorporated villages shall be six cents per passenger; and no formal hearing upon the merits having been held, but it appearing at the hearing held in the city of Albany on the 18th day of April, 1918, on the question of the dismissal of the petition, under the recent decision of the Court of Appeals in the Quinby case, that the decision of the Court of Appeals would apply to certain of the rates involved but not as to all of them; and the petitioner, by Stanchfield, Lovell, Falck & Sayles, having duly requested that they might be permitted to withdraw the application, it is hereby

Ordered: That the request of the petitioner to withdraw the petition herein be and the same hereby is granted, and that this case be closed upon the records of the Commission.

[Case No. 6426]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of the GOUVERNEUR CHAMBER OF COMMERCE *against* AMERICAN EXPRESS COMPANY, asking that express service be restored on passenger train No. 4, leaving Gouverneur for the west at 7:35 (7:32) a. m.

The complainant herein asks that the American Express Company be required to restore express service on New York Central passenger train No. 4, leaving Gouverneur at 7:32 a. m. and arriving at Watertown at 9 a. m. It appeared on the hearing that while the complaint is made by the Gouverneur Chamber of Commerce, the only real demand for such service is by the International Milk Products Company which desires the service in order to deliver ice cream in Watertown at an earlier hour than is now

possible. No. 4 formerly carried express. Passenger train service became very irregular about a year ago, and complaints having been made a conference was held by the Commission with representatives of communities between Massena Springs and Philadelphia and representatives of the railroad and express companies, and as a result it seemed evident that a large part of the delay in passenger traffic was caused by the handling of express (Case No. 6237). Arrangements were thereafter made by which express was carried on a milk train at night from Utica and Syracuse to Massena Springs, and delivered back on a milk train known as No. 16 to the different communities during the forenoon. This relieved No. 4 from the express burden, and it is now admitted that the movement of No. 4 is very regular. The tendency is and should be toward the carrying of express on trains other than passenger. Passenger trains are primarily for passenger traffic and should not be delayed unnecessarily. It is contended that the handling of the ice cream for the Milk Products Company would not be a severe burden to impose on No. 4, and that it could be done without the use of a messenger. The evidence shows that from thirty-five to forty tubs a day would be shipped during certain seasons. This would cause some delay, but it would not do to permit the International Milk Products Company to ship ice cream on No. 4 and forbid the use of the train by other shippers at Gouverneur and other points. To grant the relief prayed for would reestablish the conditions complained of in 1917. There is no danger of the people of Watertown suffering for want of ice cream; in fact, the evidence shows that the great object of the Milk Products Company is to compete successfully with ice cream shipped to Watertown from Syracuse. A more serious phase of the situation is that there seems to be at certain seasons an excess of milk produced in the Gouverneur region and that the Watertown ice cream market absorbs this excess. The Commission believes, however, that this excess of milk can be disposed of in a useful way otherwise, if necessary, and that it is more important that No. 4 should be enabled to run on time, or approximately so, than that express service should be restored upon it for the purposes indicated. It is therefore

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 6095]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of **POUGHKEEPSIE AND WAPPINGERS FALLS RAILWAY COMPANY** (formerly Poughkeepsie City and Wappingers Falls Electric Railway Company) under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

Appearances: H. C. Hopson, 61 Broadway, New York city, for the petitioner; George Worrall, 19 Market street, Poughkeepsie, N. Y., corporation counsel; and James B. Way, Thomas D'Arcy, and J. W. McCornac, committee of the board of aldermen, for the City of Poughkeepsie. The Poughkeepsie City and Wappingers Falls Electric Railway Company, now called Poughkeepsie and Wappingers Falls Railway Company through change of name, having filed with this Commission a petition or complaint under subdivision 1, section 49, Public Service Commissions Law, for permission

to increase the fare to be charged a passenger for riding within the limits of a city or incorporated village on its line to six cents, the charge now being five cents, and that a finding be made that said company is entitled to a proportionate increase in the rates, fares, and charges for such other transportation business as may be performed by it; and public hearings on said petition having been held by this Commission, those named above appearing; and this Commission having determined from the evidence and for the reasons stated in an Opinion of the Commission of this date herein that the maximum rates for passengers now chargeable in the city of Poughkeepsie and in the incorporated village of Wappingers Falls on said company's railroad are insufficient to yield reasonable compensation for the service rendered, and for that reason are unjust and unreasonable; but being of opinion from the evidence that dividends should not be paid upon the capital stock of said company until after improvement of the company's railroad, rolling stock, other equipment, and service, as hereinafter noted, it is

Ordered: (a) That the maximum fare which may be charged a passenger by Poughkeepsie and Wappingers Falls Railway Company for riding in its cars within the limits of the city of Poughkeepsie is hereby fixed at six cents; (b) that the maximum fare which may be charged a passenger by Poughkeepsie and Wappingers Falls Railway Company for riding in its cars within the limits of the incorporated village of Wappingers Falls is hereby fixed at six cents.

Further Ordered: That this order shall not affect in any way the present practice of said company as to transfers, or school tickets, or other reduced rate tickets.

Further Ordered: That this Commission finds, for the reasons stated in said opinion, that the maximum fare to be charged passengers on said company's railroad outside of the limits of the city of Poughkeepsie and the limits of the village of Wappingers Falls should be proportionate to the said six cents fare to be charged in said city and village: that is to say, six cents for each of the present zones.

Further Ordered: That until the improvements in the company's railroad, rolling stock, other equipment, and service noted in detail in said opinion of this Commission have been made, either exactly as so noted or to the satisfaction of this Commission to be evidenced by an amendment of this order, no dividend shall be declared or paid upon any of the capital stock of said company.

Further Ordered: That a tariff stating said six cents fare and said proportionate fare may be filed with this Commission in accordance with the provisions of the Public Service Commissions Law, on one day's notice, and bear the following notation: "Issued on one day's notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date June 6, 1918, in case No. 6095."

Further Ordered: That this determination and order may be reopened at any time if and when it may appear to this Commission that the reasons for permitting the company to charge the increased fares no longer exist.

[Case No. 6165]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Amended Petition of ALBANY SOUTHERN RAILROAD COMPANY which asks, under subdivision 10, section 8, Railroad Law, and sections 55 and 69, Public Service Commissions Law, authority to issue a mortgage and bonds, and a collateral trust indenture and notes.

Petition filed August 11, 1917; report of division of capitalization dated February 21, 1918; amended petition filed March 14, 1918; hearing held March 20, 1918; final form of proposed mortgages filed May 31, 1918; report of division of capitalization dated June 5, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Albany Southern Railroad Company is hereby authorized to execute and deliver to the Empire Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of March, 1918, to secure an issue of first refunding mortgage 30-year gold bonds to the aggregate amount of \$3,000,000 face value, bearing interest at the rate of 6 per cent per annum, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

2. That the Albany Southern Railroad Company is hereby authorized to execute and deliver to the Brooklyn Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain collateral trust indenture dated the 1st day of March, 1918, to secure an issue of three-year gold notes to the aggregate amount of \$550,000 face value, bearing interest at the rate of 7 per cent per annum, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved, provided that said company shall have no right or authority to issue any notes pursuant to the terms of said indenture except as herein authorized by the Commission.

3. That upon the execution and the delivery of said indentures so authorized there shall be filed with this Commission copies thereof in the forms in which they were executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indentures as executed and delivered are the same as those herein approved by the Commission; and no bonds and notes secured thereby shall be issued, exchanged, pledged, or sold until the provisions of this clause have been complied with.

4. That the Albany Southern Railroad Company is hereby authorized to issue \$2,151,000 face value of its first refunding mortgage 30-year 6 per cent gold bonds under the mortgage mentioned in clause No. 1 of this order.

5. That \$1,451,000 face value of the bonds so authorized shall be used solely and exclusively for the purpose of even exchange on a basis of face value for face value for a like amount of the first mortgage thirty-year 5 per cent bonds of the petitioner now outstanding, provided that if only a portion of such bonds of a total face value of \$1,451,000 shall be used for

said purpose the said partial exchange shall likewise be on the basis of face value for face value.

6. That the balance of said bonds so authorized, viz. \$700,000 face value, shall not be sold by the Albany Southern Railroad Company without the further authorization of this Commission, but the company is hereby permitted to pledge said bonds as collateral security for its three-year 7 per cent gold notes in the aggregate face amount of \$550,000 hereinafter authorized to be issued, subject to the terms and conditions of the collateral trust indenture dated March 1, 1918, authorized to be executed and delivered by ordering clause No. 2 hereof.

7. That the Albany Southern Railroad Company is hereby authorized to issue \$550,000 face value of its 7 per cent three-year gold notes under the indenture mentioned in clause No. 2 of this order, and to sell such notes for not less than 96 per cent of their face value to realize net proceeds of at least \$528,000.

8. That the Albany Southern Railroad Company may, solely for the purpose of accomplishing the extension of certain of its unsecured corporate notes payable to various banks and other financial institutions, pledge, at not less than 96 per cent of their face value, not more than \$195,000 face value of its three-year 7 per cent gold notes herein authorized, provided that such notes shall not be pledged for a greater period than six months from the date of this order without the express authorization of this Commission.

9. That the proceeds of said notes so authorized, which shall not be less than \$528,000, shall be used solely and exclusively for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets to June 30, 1917, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation.....		\$187,661.75
(b) For the discharge of floating liabilities outstanding at June 30, 1917, as follows:		
Bills payable	\$25,000.00	
Accounts payable	69,403.21	
Taxes accrued	23,366.81	
Interest.	24,820.48	
Consumers' deposits	7,532.79	
Coupon interest matured.....	1,375.00	
Other unfunded debt.....	1,737.94	
		153,236.23
(c) For proposed construction as detailed in schedule B of the amended petition herein, as follows:		
New crib work Albany-Greenbush bridge.....	\$31,625.00	
Additional transmission line.....	115,471.00	
Additional power facilities Rensselaer.....	18,700.00	
Gas mains	12,887.00	
Legal expenses incident to preparation of mortgages..	12,000.00	
		190,683.00
		<u>\$531,580.98</u>
Amount unprovided for		\$3,580.98

in so far as the same may be applicable, provided (1) that the proceeds of such notes shall be applied toward the cost of new construction summarized in subdivision (c) hereof only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined by the Uniform Systems of Accounts for Electrical, Gas, and Street Railroad Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such notes over the actual costs thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in

schedule B of amended petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform Systems of Accounts for Electrical, Gas, and Street Railroad Corporations.

10. That the Albany Southern Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what securities have been sold, exchanged, or pledged during such period; (b) the dates of such sales, exchanges, and pledgings; (c) to or with whom such securities were sold, exchanged or pledged; (d) what proceeds if any were realized; (e) the face amount of underlying bonds which have been received in exchange for the bonds herein authorized to be issued; (f) the face amount of collateral trust notes for which bonds are pledged; (g) the total face amount of bonds herein authorized which remain pledged as collateral security for said notes on the closing date of such period; (h) the principal term and interest rate of each loan for which collateral trust notes are pledged; (i) any other terms and conditions of such transactions; (j) with respect to subdivision (a) of clause No. 8 of this order there shall be shown the amount of proceeds of the notes herein authorized which has been used during such period; (k) with respect to subdivision (b) of clause No. 8 of this order there shall be shown in detail the amount of proceeds of the notes herein authorized which has been expended during such period for each of the purposes specified therein; (l) with respect to subdivision (c) of clause No. 8 of this order there shall be shown (1) in detail the amount of proceeds of the notes herein authorized which has been expended during such period for each of the purposes specified herein, and the account or accounts under the Uniform Systems of Accounts for Electrical, Gas, and Street Railroad Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period. In reporting under sections 2 and 3 of subdivision (l) of this clause there shall be further shown the expenditures of the proceeds of the notes herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said notes shall have been sold and the proceeds expended and used in accordance with the authority contained herein, and if during any period no notes were sold or proceeds expended or used the report shall set forth such fact.

11. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and property of the petitioner herein shall have been concluded and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary shall have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

12. That the authority contained in this order to issue, exchange, and pledge securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued, exchanged, or pledged pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions. and

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such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the securities herein authorized and the money to be procured from the disposition thereof are reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6224]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the petition of LONG ISLAND LIGHTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$100,000 in common capital stock, and \$143,000 in first mortgage 5 per cent 25-year gold bonds.

Amendatory
order.

Petition filed October 8, 1917; report of division of capitalization dated November 16, 1917; supplemental petition filed June 3, 1918; report of division of capitalization dated June 4, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order entered herein under date of November 21, 1917, is hereby modified and amended in such manner as to permit the Long Island Lighting Company to sell \$90,000 face value of the \$143,000 5 per cent 25-year first mortgage sinking fund gold bonds therein authorized to be issued for not less than 80 per cent of their face value to give net proceeds of at least \$72,000.

2. That in all other respects the terms and conditions of said order of November 21, 1917, shall remain in full force and effect.

[Case No. 6292]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of A. CORNWELL AND SONS, INC., and A. CORNWELL, individually under sections 70, 68, and 69, Public Service Commissions Law, as to transfer of electric plant, construction, and exercise of franchise; and issuing capital stock.

Petition filed December 13, 1917; report of division of light, heat, and power dated May 31, 1918; report of division of capitalization dated June 1, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the acquisition by A. Cornwell and Sons, Inc., in September, 1916, of an electric light plant located in the hamlet of Portageville, Wyoming county, N. Y., formerly owned by A. Cornwell, is hereby permitted *nunc pro tunc*.

2. That the permission and approval of this Commission are hereby given to A. Cornwell and Sons, Inc., to construct, maintain, and operate an electric light plant in the town of Genesee Falls, Wyoming county, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Genesee Falls, Wyoming county, N. Y., on November 8, 1917, subject to all the terms and conditions therein set forth.

3. That the issuance by A. Cornwell and Sons, Inc. on September 23, 1916, of \$3000 par value of its capital stock, and the use of the proceeds realized from the sale thereof at par, for the following purposes, to wit (a) acquisition from A. Cornwell of an electric light plant and appurtenances located in the town of Portageville, Wyoming county, N. Y., \$2500; (b) for working capital, \$500; is hereby authorized *nunc pro tunc*, it being specifically provided, nevertheless, that the above mentioned purchase price of \$2500 shall not be hereafter regarded as conclusive upon this Commission as representing the real cost or value of the property acquired for the purpose of any calculation upon which rates or capitalization may be based.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the stock herein authorized *nunc pro tunc* was reasonably required for the purposes described in this order, and that such purposes were not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6437]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARRITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of EDSON U. GAISER under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Niagara Falls, it being proposed that the route should also be operated to Lewiston Heights, Lewiston, and Youngstown.

Appearances: Dudley & Gray, Niagara Falls, N. Y., for petitioner; Morris Cohn, jr., Niagara Falls, for International Railway Company; George C. Riley, 715 Ellicott Square, Buffalo, for Niagara Gorge Railroad Company and Lewiston and Youngstown Frontier Railroad Company; B. L. Jones, 604 Ellicott Square, Buffalo, as manager, John Edbauer, 604 Ellicott Square, Buffalo, as general passenger agent, and E. E. Nicklis, Niagara Falls, N. Y., as superintendent of Niagara Gorge Railroad Company and Lewiston and Youngstown Frontier Railroad Company; Lieut. Charles S. M. Asinari, U. S. A., in person; N. J. McDonough, Buffalo, division engineer, for State Highway Department.

A petition having been filed with this Commission by Edson U. Gaiser for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Niagara Falls on a route hereinafter named, it being proposed that the route shall also be operated to

Lewiston Heights, Lewiston, and Youngstown; and it appearing that said petitioner has received the consent of said city to such operation; and a public hearing on said petition having been held by Chairman Hill of this Commission in the city of Buffalo on May 25, 1918, those named above appearing; and this Commission concluding for the reasons stated in its Opinion of this date that public convenience and necessity require the operation of this stage route in the city of Niagara Falls as a part of said route outside of the city, hereby certifies that public convenience and necessity require the operation by Edson U. Gaiser of a stage route to be operated by auto buses in the city of Niagara Falls, "from No. 125 Main street, Niagara Falls, New York, to the northerly boundary line of the city of Niagara Falls, and return along the following streets: Main, Falls, First, Second, Third, Whirlpool, Cleveland avenue, Bellevu avenue, Chasm avenue, McKoon avenue, and Whitney streets, and other streets running parallel to and connecting with said streets as may from time to time be necessary to use on account of alterations, repairs, or defective conditions of said streets, for the purpose of enabling the undersigned to reach the Niagara Falls-Lewiston Road"; said buses not to take on or deliver passengers from any point in the city to any other point in the city. This certificate is granted subject to all of the terms and conditions of said consent of said city and the petition of said Edson U. Gaiser to said city for said consent, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5918]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of MARK I. KOON, AS MAYOR OF THE CITY OF AUBURN, *against* EMPIRE GAS AND ELECTRIC COMPANY as to prices charged the public (private consumers) for electricity; and as to installation charge; as to alleged rebates.

Upon the grounds stated in the accompanying Opinion, it is found and

Ordered: 1. That the just and reasonable prices for electricity furnished by the respondent in the city of Auburn shall be as follows:

General Lighting Rate: Available to all lighting consumers, including incidental use for heat or power by such small appliances as may be connected to the lighting circuit:

Net Rate: First 10 kilowatt-hours per month at 13 cents per kw.h.; next 30 kilowatt-hours per month at 10 cents per kw.h.; all over 40 kilowatt-hours per month at 7 cents per kw.h.

Minimum Charge: \$1 per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

2. That the respondent may upon receipt of this order file and publish tariffs, with a suitable notation, putting into effect the foregoing rates on five days' notice to the Commission and the public.

3. That said rates shall be effective for a period of six months from the effective date thereof, and thereafter until the Commission shall upon its own motion or upon complaint fix a higher or lower rate.

4. That after said period of six months this case may be reopened upon application of the complainant or of the respondent.

[Case No. 5938]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day of
June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the CLIFF ELECTRICAL DISTRIBUTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$13,200,000 in common capital stock to be used to acquire all of the capital stock of Hydraulic Power Company of Niagara Falls; and under subdivision 3, section 61, Transportation Corporations Law, for consent to merge said company under section 15, Stock Corporation Law.

Petition filed March 21, 1917; hearing held May 9, 1917; report of division of capitalization dated June 3, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed on the records of the Commission.

[Case No. 5960]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day of
June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of EMPIRE GAS AND ELECTRIC COMPANY under section 71 of the Public Service Commissions Law as to price charged for gas and for consumer's charge in the city of Auburn.

Upon the grounds stated in the accompanying Opinion, it is found and

Ordered: 1. That the just and reasonable prices for gas furnished by the respondent in the city of Auburn shall be as follows:

General Rate: Available to all consumers.

Net Rate: First 1000 cu.ft. per month at \$1.50 per M cu.ft.; next 1000 cu.ft. per month at \$1.25 per M cu.ft.; all over 2000 cu.ft. per month at \$1.10 per M cu.ft.

Minimum Charge: 50 cents per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

2. That the respondent may upon receipt of this order file and publish tariffs, with a suitable notation, putting into effect the foregoing rates on five days' notice to the Commission and the public.

3. That said rates shall be effective for a period of six months from the effective date thereof, and thereafter until the Commission shall upon its own motion or upon complaint fix a higher or lower rate.

4. That after said period of six months this case may be reopened upon application of the complainant or of the respondent.

[Case No. 5998]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of REUBEN H. GULVIN, AS MAYOR OF THE CITY OF GENEVA, against EMPIRE GAS AND ELECTRIC COMPANY as to prices charged the public (private consumers) for electricity and gas, and as to installation charge for electricity, etc.; also complaint of the company asking that its rates may be increased (included in answer).

Upon the grounds stated in the accompanying Opinion, it is found and

Ordered: 1. That the just and reasonable prices for electricity and gas furnished by the respondent in the city of Geneva shall be as follows:

Electricity:

General Lighting Rate: Available to all lighting consumers, including incidental use for heat or power by such small appliances as may be connected to the lighting circuit:

Net Rate: First 10 kilowatt-hours per month at 13 cents per kw.h.; next 30 kilowatt-hours per month at 10 cents per kw.h.; all over 40 kilowatt-hours per month at 7 cents per kw.h.

Minimum Charge: \$1 per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

Gas:

General Rate: Available to all consumers.

Net Rate: First 1000 cu.ft. per month at \$1.50 per M cu.ft.; next 1000 cu.ft. per month at \$1.25 per M cu.ft.; all over 2000 cu.ft. per month at \$1.10 per M cu.ft.

Minimum Charge: 50 cents per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

2. That the respondent may upon receipt of this order file and publish tariffs, with a suitable notation, putting into effect the foregoing rates on five days' notice to the Commission and the public.

3. That said rates shall be effective for a period of six months from the effective date thereof, and thereafter until the Commission shall upon its own motion or upon complaint fix a higher or lower rate.

4. That after said period of six months this case may be reopened upon application of the complainant or of the respondent.

[Case No. 5999]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of June, 1918.

Present:

CHARLES R. HILL, Chairman,

FRANK IRVINE,

JOHN A. BARHITE,

THOMAS F. FENNELL,

JEROME L. CHENEY,

Commissioners.

In the matter of the Complaint of the TRUSTEES OF THE INCORPORATED VILLAGE OF PHELPS, Ontario county, against EMPIRE GAS AND ELECTRIC COMPANY as to prices charged the public (private consumers) for electricity and gas, and as to installation charge for electricity, etc.; also complaint (included in answer) of the company as to rates.

Upon the grounds stated in the accompanying opinion, it is found and

Ordered: 1. That the just and reasonable prices for electricity and gas furnished by the respondent in the incorporated village of Phelps, Ontario county, shall be as follows:

Electricity:

General Lighting Rate: Available to all lighting consumers, including incidental use for heat or power by such small appliances as may be connected to the lighting circuit:

Net Rate: First 10 kilowatt-hours per month at 13 cents per kw.h.; next 30 kilowatt-hours per month at 10 cents per kw.h.; all over 40 kilowatt-hours per month at 7 cents per kw.h.

Minimum Charge: \$1 per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

Gas:

General Rate: Available to all consumers.

Net Rate: First 1000 cu.ft. per month at \$1.50 per M cu.ft.; next 1000 cu.ft. per month at \$1.25 per M cu.ft.; all over 2000 cu.ft. per month at \$1.10 per M cu.ft.

Minimum Charge: 50 cents per month per meter.

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Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

2. That the respondent may upon receipt of this order file and publish tariffs, with a suitable notation, putting into effect the foregoing rates on five days' notice to the Commission and the public.

3. That said rates shall be effective for a period of six months from the effective date thereof, and thereafter until the Commission shall upon its own motion or upon complaint fix a higher or lower rate.

4. That after said period of six months this case may be reopened upon application of the complainant or of the respondent.

[Case No. 6000]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the TRUSTEES OF THE INCORPORATED VILLAGE OF SENECA FALLS, Seneca county, against EMPIRE GAS AND ELECTRIC COMPANY as to prices charged the public (private consumers) for electricity and gas, and as to installation charge for electricity, etc.; also complaint (included in answer) of the company as to rates.

Upon the grounds stated in the accompanying Opinion, it is found and

Ordered: 1. That the just and reasonable prices for electricity and gas furnished by the respondent in the incorporated village of Seneca Falls, Seneca county, shall be as follows:

Electricity:

General Lighting Rate: Available to all lighting consumers, including incidental use for heat or power by such small appliances as may be connected to the lighting circuit:

Net Rate: First 10 kilowatt-hours per month at 13 cents per kw.h.; next 30 kilowatt-hours per month at 10 cents per kw.h.; all over 40 kilowatt-hours per month at 7 cents per kw.h.

Minimum Charge: \$1 per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

Gas:

General Rate: Available to all consumers.

Net Rate: First 1000 cu.ft. per month at \$1.50 per M cu.ft.; next 1000 cu.ft. per month at \$1.25 per M cu.ft.; all over 2000 cu.ft. per month at \$1.10 per M cu.ft.

Minimum Charge: 50 cents per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

2. That the respondent may upon receipt of this order file and publish tariffs, with a suitable notation, putting into effect the foregoing rates on five days' notice to the Commission and the public.

3. That said rates shall be effective for a period of six months from the effective date thereof, and thereafter until the Commission shall upon its own motion or upon complaint fix a higher or lower rate.

4. That after said period of six months this case may be reopened upon application of the complainant or of the respondent.

[Case No. 6001]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the TRUSTEES OF THE INCORPORATED VILLAGE OF CLYDE, Wayne county, against EMPIRE GAS AND ELECTRIC COMPANY as to price charged the public (private consumers) for electricity, and as to installation charge for electricity, etc.; also complaint (included in answer) of the company, as to rates.

Upon the grounds stated in the accompanying Opinion, it is found and

Ordered: 1. That the just and reasonable prices for electricity furnished by the respondent in the incorporated village of Clyde, Wayne county, shall be as follows:

General Lighting Rate: Available to all lighting consumers, including incidental use for heat or power by such small appliances as may be connected to the lighting circuit:

Net Rate: First 10 kilowatt-hours per month at 13 cents per kw.h.; next 30 kilowatt-hours per month at 10 cents per kw.h; all over 40 kilowatt-hours per month at 7 cents per kw.h.

Minimum Charge: \$1 per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

2. That the respondent may upon receipt of this order file and publish tariffs, with a suitable notation, putting into effect the foregoing rates on five days' notice to the Commission and the public.

3. That said rates shall be effective for a period of six months from the

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effective date thereof, and thereafter until the Commission shall upon its own motion or upon complaint fix a higher or lower rate.

4. That after said period of six months this case may be reopened upon application of the complainant or of the respondent.

[Case No. 6002]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the TRUSTEES OF THE INCORPORATED VILLAGE OF WATERLOO, Seneca county, against EMPIRE GAS AND ELECTRIC COMPANY as to prices charged the public (private consumers) for electricity and gas, and as to installation charge for electricity, etc.; also complaint (included in answer) of the company as to rates.

Upon the grounds stated in the accompanying Opinion, it is found and

Ordered: 1. That the just and reasonable price for electricity and gas furnished by the respondent in the incorporated village of Waterloo shall be as follows:

Electricity:

General Lighting Rate: Available to all lighting consumers, including incidental use for heat or power by such small appliances as may be connected to the lighting circuit:

Net Rate: First 10 kilowatt-hours per month at 13 cents per kw.h.; next 30 kilowatt-hours per month at 10 cents per kw.h.; all over 40 kilowatt-hours per month at 7 cents per kw.h.

Minimum Charge: \$1 per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

Gas:

General Rate: Available to all consumers.

Net Rate: First 1000 cu.ft. per month at \$1.50 per M cu.ft.; next 1000 cu.ft. per month at \$1.25 per M cu.ft.; all over 2000 cu.ft. per month at \$1.10 per M cu. ft.

Minimum Charge: 50 cents per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

2. That the respondent may upon receipt of this order file and publish tariffs, with a suitable notation, putting into effect the foregoing rates on five days' notice to the Commission and the public.

3. That said rates shall be effective for a period of six months from the effective date thereof, and thereafter until the Commission shall upon its own motion or upon complaint fix a higher or lower rate.

4. That after said period of six months this case may be reopened upon application of the complainant or of the respondent.

[Case No. 6003]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the TRUSTEES OF THE INCORPORATED VILLAGE OF NEWARK, Wayne county, against EMPIRE GAS AND ELECTRIC COMPANY as to prices charged the public (private consumers) for electricity and gas, and as to installation charge for electricity, etc.; also complaint (included in answer) of the company as to rates.

Upon the grounds stated in the accompanying Opinion, it is found and

Ordered: 1. That the just and reasonable prices for electricity and gas furnished by the respondent in the incorporated village of Newark, Wayne county, shall be as follows:

Electricity:

General Lighting Rate: Available to all lighting consumers, including incidental use for heat or power by such small appliances as may be connected to the lighting circuit:

Net Rate: First 10 kilowatt-hours per month at 13 cents per kw.h.; next 30 kilowatt-hours per month at 10 cents per kw.h.; all over 40 kilowatt-hours per month at 7 cents per kw.h.

Minimum Charge: \$1 per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

Gas:

General Rate: Available to all consumers.

Net Rate: First 1000 cu.ft. per month at \$1.50 per M cu.ft.; next 1000 cu.ft. per month at \$1.25 per M cu.ft.; all over 2000 cu.ft. per month at \$1.10 per M cu.ft.

Minimum Charge: 50 cents per month per meter.

Prompt Payment Discount: Gross bills to be rendered with 10 per cent added to net rate, and discounted to net rate if paid within ten days from date of bill.

The foregoing rate is not intended to interfere with or prevent the establishing of rates applicable to large quantities or to special classifications of service.

2. That the respondent may upon receipt of this order file and publish tariffs, with a suitable notation, putting into effect the foregoing rates on five days' notice to the Commission and the public.

3. That said rates shall be effective for a period of six months from the effective date thereof, and thereafter until the Commission shall upon its own motion or upon complaint fix a higher or lower rate.

4. That after said period of six months this case may be reopened upon application of the complainant or of the respondent.

[Case No. 6158]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day of
June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of C. LOOMIS ALLEN and HENDRICK S. HOLDEN,
RECEIVERS ROCHESTER, SYRACUSE AND EASTERN RAIL-
ROAD COMPANY and EMPIRE UNITED RAILWAYS, INC.,
under subdivision 1, section 49, Public Service Com-
missions Law, for permission to increase passenger
fares.

C. Loomis Allen and Hendrick S. Holden, Receivers of the Rochester, Syra-
cuse and Eastern Railroad Company and the Empire United Railways, Inc.,
having filed a petition on the 25th day of July, 1917, under subdivision 1 of
section 49 of the Public Service Commissions Law, for permission to increase
passenger fares to be received by it within the limits of the city of Rochester,
N. Y., from five cents to six cents per passenger; and pending the proceeding
the Rochester, Syracuse and Eastern Railroad Company having been reorgan-
ized, and the property taken over by the Rochester and Syracuse Railroad
Company; and no hearing having been had upon the merits of the applica-
tion, but a hearing having been had before the Commission at Albany on the
18th day of April, 1918, on the question of the dismissal of the petition under
the decision of the Court of Appeals in the Quinby case; and it appearing
that the Rochester and Syracuse Railroad Company is operating in the city
of Rochester by virtue of a traffic agreement with the New York State Rail-
ways, and that the decision in the Quinby case applies to the application here
presented; and a motion having been made on behalf of the City of Rochester
for the dismissal of the application, that is, so far as it affects the city of
Rochester, it is

Ordered: That the petition be and the same hereby is dismissed and the
case closed upon the records of the Commission.

[Case No. 6359]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day of
June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of EMPIRE GAS AND
ELECTRIC COMPANY under sections 71 and 72 of the
Public Service Commissions Law as to rates to be
charged by it for gas in the cities of Auburn and
Geneva, and in the villages of Seneca Falls, Waterloo,
Phelps, Lyons, Newark, and Palmyra.

The matters herein involved having been determined in cases Nos. 5918,
5960, 5998, 5999, 6000, 6001, 6002, and 6003, it is

Ordered: That this case be and the same hereby is closed on the records
of the Commission.

[Case No. 6443]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day of
June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of ORANGE COUNTY ICE
CREAM COMPANY of Middletown *against* ADAMS
EXPRESS COMPANY, asking that express service be
resumed between Middletown and Poughkeepsie.

The answer of the company in the above matter states that "we will
arrange immediately to give the complainants the service that they desire
between Middletown and Poughkeepsie, and with this statement I understand
the Commission will be in a position to close the case on its records. Our
operating people have been instructed to arrange for the service at the earliest
possible moment." Therefore it is

Ordered: That this case is hereby closed on the records of the Commission
as satisfied.

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[Case No. 5118]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 91 of the Railroad Law as to changes in existing bridges carrying North street and North Clinton street over said company's railroad in the city of Poughkeepsie.

The work provided for by the order of the Commission of May 10, 1916, in the above entitled matter, has been substantially completed. The City of Poughkeepsie, however, considers that public safety requires certain additional construction, consisting of railings for the protection of highway travel, and has requested that such railings be provided. An investigation by this Commission has led to the conclusion that the request is reasonable, and that the railings as desired by the city are necessary and should be constructed. The Central New England Railway Company has asked that the cost of said railings (estimated at \$200) be included in the account to be finally apportioned between the interested parties, to which the City of Poughkeepsie and this Commission have assented. As these railings are in addition to the work heretofore contemplated, the Commission has considered it proper to amend its order of May 10, 1916, by increasing each of the permissible shares to be borne by the city and the State of New York by the sum of \$50, which sum represents one-quarter of the entire cost of the additional construction proposed; and it is therefore

Ordered: That paragraph 6 of said order of May 10, 1916, be and it is hereby changed so that the same shall read as follows:

"That in pursuance of its consent and agreement aforesaid, the Central New England Railway Company is not to be limited to its statutory share of the cost (one-half of the total) of the reconstruction herein provided for and authorized, but shall pay and discharge the entire expense of such reconstruction (including all costs, expenses, and damages whatsoever on account of the construction and work herein authorized, and of the taking of any lands, rights, or easements which may be necessary and required in the premises) in excess of twenty-nine thousand, two hundred dollars (\$29,200); this order being granted upon the express condition that no financial liability or obligation on account of the construction and work herein provided for and authorized in excess of seven thousand, three hundred dollars (\$7300), one-quarter of said sum of twenty-nine thousand, two hundred dollars (\$29,200), shall attach to or fall upon the State of New York; and similarly that no such financial liability or obligation shall attach to or fall upon the City of Poughkeepsie; and that no part of the cost of such work and construction or of any expenses incidental thereto in excess of twenty-nine thousand, two hundred dollars (\$29,200) shall be a charge upon or be payable or paid out of any moneys which may have been or may be appropriated by the Legislature of the State for the purpose either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise, or shall be a charge upon the City of Poughkeepsie. The intent and meaning of this order being that the total joint cost of such reconstruction to the City of Poughkeepsie and the State of New York shall not exceed fourteen thousand six hundred dollars (\$14,600): that is to say, the sum of seven thousand, three hundred dollars (\$7300) as a maximum to each, and that all other costs of whatsoever nature and to whatsoever amount shall be charged against and paid by the Central New England Railway Company."

[Case No. 6084]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of HUDSON RIVER AND EASTERN TRACTION COMPANY under section 49 of the Public Service Commissions Law for permission to increase passenger fares.

Supplemental
order.

Supplemental Petition filed June 1, 1918.

By order dated November 20 and amendatory order dated November 27, 1917, this Commission authorized Hudson River and Eastern Traction Company to increase its fare for passengers in the village of Ossining from five to seven cents, except where tickets were bought, in which case it was provided four tickets should be sold for twenty-five cents; and except that the charge for school tickets was increased from two and one-half cents each to three and one-half cents each. Because of the decision and opinion of the Court of Appeals in what is known as the Quinby or Rochester case, 223 N. Y. 244, the company was cited to appear before the Commission to show cause why said orders should not be annulled; no action has since been taken by the Commission in this matter, but the company put its regular fare back to five cents and the school ticket to two and one-half cents. On June 1, 1918, the company filed this supplemental petition which asks for an order, under subdivision 1, section 49, Public Service Commissions Law, authorizing the company to, on one day's notice, put in effect, for the period of the present war, a six cents fare for each passenger except school children; and filed with the Commission a certified copy of a preamble and resolutions of the trustees of the village authorizing the six cents fare, and providing that the school ticket fare should remain at two and one-half cents. A public hearing on said supplemental petition was held in the city of Albany on June 13, 1918, at which Mr. Decker represented the company, and no one else appeared. This Commission having found in its orders of November last that this company was equitably entitled to a fare of seven cents, the conditions justifying the determination of the Commission still existing, and the trustees of the village thus consenting to the six cents fare, it is

Ordered: That this Commission hereby determines, under subdivision 1, section 49, Public Service Commissions Law, that the maximum fare which may be charged by the Hudson River and Eastern Traction Company on its railroad in the village of Ossining during the period of the present war is six cents, and said company is hereby authorized to charge said maximum fare during said period unless this order is in the future modified or annulled by this Commission because of changed conditions.

Further Ordered: That said Hudson River and Eastern Traction Company may put in effect said six cents fare on one day's notice to the public, and that the schedule showing said six cents fare shall be filed with this Commission in accordance with the provisions of section 28 of the Public Service Commissions Law, and bear the following notation: "Issued on one day's notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date June 13, 1918, in case No. 6084."

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[Case No. 5770]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY in regard to "New York Central Railroad Equipment Trust of 1917".

Petition filed November 4, 1916; report of division of steam railroads dated December 1, 1916; hearing held December 27, 1916; report of division of capitalization dated December 28, 1916; order entered December 28, 1916; supplemental petition filed May 22, 1917; hearing held May 25, 1917; report of division of steam railroads dated June 7, 1917; report of division of capitalization dated June 7, 1917; order entered June 12, 1917; supplemental petition (letter) filed June 12, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That subdivision (b) of ordering clause 5 of the order entered herein under date of June 12, 1917, is hereby supplemented in such manner as to permit The New York Central Railroad Company to pledge the \$8,550,000 face amount of its fifteen-year 4½ per cent equipment trust certificates of 1917 for two additional years.

2. That in all other respects the terms and conditions of the order entered herein under date of June 12, 1917, shall remain in full force and effect.

[Case No. 5971]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of CATTARAUGUS UNION TELEPHONE COMPANY under section 101 of the Public Service Commissions Law for authority to issue \$24,000 common capital stock; and under subdivision 2, section 99, Public Service Commissions Law, as to a local franchise and amendment.

Petition filed May 2, 1917; report of division of telegraphs and telephones dated July 23, 1917; report of division of capitalization dated October 30, 1917; supplemental report of division of telegraphs and telephones dated May 2, 1918; supplemental report of division of capitalization dated May 10, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Olean Interstate Telephone Company is hereby authorized to transfer and sell all of its property and assets, free and clear of all liens and incumbrances, to the Cattaraugus Union Telephone Company for the sum of \$54,000, provided that the value of all of such

assets at the actual date of the transfer to the latter company shall not be less than their value at January 31, 1917, as set forth in the reports of the Commission's divisions filed in this case; and this Commission hereby permits and approves the transfer to and acquisition by the Cattaraugus Union Telephone Company of the property and assets of the said Olean Interstate Telephone Company upon these terms.

2. That the proposed journal entry contained in the final report of the division of capitalization in this proceeding dated October 30, 1917, as supplemented on May 10, 1918, copies of which reports were sent to the corporation on November 7, 1917, and May 14, 1918, respectively, shall be entered upon the books of the Cattaraugus Union Telephone Company to record the acquisition of the property and assets hereinbefore authorized to be acquired, and that within thirty days after the transfer shall have been accomplished verified proof that such entry has been made shall be submitted to the Commission.

3. That the Cattaraugus Union Telephone Company is hereby authorized to issue \$24,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$24,000.

4. That the proceeds of said stock so authorized, which shall not be less than \$24,000, shall be applied solely and exclusively toward the cost to the Cattaraugus Union Telephone Company of the property and assets of the Olean Interstate Telephone Company free and clear of all liens and incumbrances, as herein authorized to be acquired.

5. That the Cattaraugus Union Telephone Company shall for each six months' period ending June 30th and December 31st file not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) in detail the amount of proceeds of the stock herein authorized which has been expended during such period for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended the report shall set forth such fact.

6. That the Cattaraugus Union Telephone Company shall within a reasonable time after the consummation of the sale approved in this order file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the sale hereby approved.

7. That the amount herein authorized to be debited to the account "Suspense to be Amortized" on the books of the Cattaraugus Union Telephone Company shall be amortized by crediting that account and charging the account "Other Contractual Deductions from Income" according to the following schedule: For the calendar year 1918, \$1156.89; for each of the calendar years, 1919 to 1928, \$1000 per year; provided that the said company may amortize the said sum more rapidly than herein provided if it so desires.

8. It is nevertheless expressly provided that in all respects other than as directed in clause No. 2 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission, unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

9. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good

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faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6455]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day of
June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE
HAMLET OF FRASERS (Frasier), Delaware county,
against ADAMS EXPRESS COMPANY, asking that
express service be reestablished.

The company answered this complaint to the following effect: "Our superintendent with jurisdiction over the Frasier, N. Y., territory writes me that he will arrange to open an office there at the earliest possible date." It is therefore

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

[Case No. 6471]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 19th day of
June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of HORSEHEADS TRANSPORTATION PROTECTIVE ASSOCIATION ET AL. *against* ELMIRA WATER, LIGHT AND RAILROAD COMPANY as to proposed increased fare.

It appearing that there have been filed with this Commission two passenger tariffs containing schedules stating new individual fares, charges, and regulations and practices affecting such fares and charges, to become effective June 20, 1918, designated as follows: Elmira Water, Light and Railroad Company Passenger Tariffs P.S.C., 2 N.Y., Nos. 5 and 6, it is

Ordered: That this Commission, upon its own motion and upon protest filed with it by the Horseheads Transportation Protective Association, the

president of the Board of Trustees Village of Elmira Heights, the supervisor of the Town of Southport, and others, shall without formal pleading enter upon a hearing concerning the propriety of the new individual fares and charges and regulations and practices stated in the schedules contained in said local passenger tariffs.

It further appearing that said schedules make certain increases in fares or charges for transportation of passengers, and that the rights and interests of the public may be injuriously affected thereby, and it being the opinion of the Commission that the effective date of the schedules contained in said specified tariffs should be postponed pending said hearing and decision thereon, it is

Further Ordered: That the operation of the tariffs containing the proposed new schedules be and they are hereby suspended, and that the use of the fares, charges, regulations, and practices therein stated be and they are hereby deferred until the 20th day of July, 1918. It is

Further Ordered: That a copy of this order be filed with said tariff publications in the office of this Commission, and that copy hereof be served upon the Elmira Water, Light and Railroad Company; and that said Elmira Water, Light and Railroad Company be and it is hereby made respondent to this proceeding, and that it be duly notified that a hearing thereon will be held at the Courthouse in the city of Elmira, N. Y., on June 24, 1918, at 10 o'clock a. m.

[Case No. 6081]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of GENEVA, SENECA FALLS AND AUBURN RAILROAD COMPANY, INC., under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

On the facts found and for the reasons stated in the accompanying Opinion, it is

Ordered: That the Geneva, Seneca Falls and Auburn Railroad Company, Inc., be and it hereby is authorized to increase its rates of fare from point to point within the city of Geneva, including that part of the line of the petitioner without the city of Geneva between the line of the city and the station known as Lake Road, and to charge six cents instead of five cents for transportation over such parts of its line, upon five days' notice to the public and the Commission, the tariff effecting such increase to be filed in accordance with the provisions of section 28 of the Public Service Commissions Law and to bear the following notation: "Issued on five days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date June 20, 1918, in case No. 6081."

This determination and order may be reopened at any time if and when it may appear to the Commission that the controlling reasons for allowing an increase of fares in excess of those which otherwise would legally obtain no longer exist.

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[Case No. 6230]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of HENRY KAPPUS under chapter 667 of the Laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of White Plains, it being proposed that the route shall also be operated to the Hamlet of Hartsdale. Joint Petition of HENRY KAPPUS and EDWARD H. WRIGHT for consent to assignment of certificate to Wright.

November 13, 1917, the Commission granted a certificate of public convenience and necessity to Henry Kappus for the operation of a stage route by auto buses in the city of White Plains. The grantee of the certificate and Edward H. Wright now petition the Commission for its consent to the assignment by Henry Kappus of said certificate to said Edward H. Wright. The Commission has been informed that there is no objection to such assignment on the part of the city. It is therefore

Ordered: That the consent of the Commission be and hereby is given to the assignment by Henry Kappus to Edward H. Wright of the certificate of public convenience and necessity granted by the Commission to said Henry Kappus November 13, 1917.

[Case No. 6283]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the MAYOR OF BATAVIA against ALDEN-BATAVIA NATURAL GAS COMPANY as to service.

The issues formed by the complaint and the answer in the above entitled proceeding having come on to be heard before Commissioner Barhite at the city of Batavia on the 2nd and the 5th days of January, 1918, at which times the City of Batavia appeared by Hon. William F. Haitz its mayor, and by David D. Lent, esq., its city attorney; by Messrs. A. W. Gillard, L. A. Prentice, and Nelson Weed, a committee of councilmen, and by J. J. Carmichael, esq., its clerk; Messrs. George W. Watson, Edward A. Friedley, and Ashton W. Caney, representing the Batavia Chamber of Commerce; B. J. Stedman, esq., appearing as attorney for Roberts Bros. & Fargo Dairy Company; Masse-Harris Harvester Company by Messrs. Collins and Verity; R. E. Chapin Manufacturing Works by R. E. Chapin, esq.; Messrs. W. H. Snyder, C. J. Andrews, W. J. Lyon, A. H. Call, and Frank Minor appearing

in person; and the Alden-Batavia Natural Gas Company by Messrs. Williams, Minard and Howell, its attorneys; and it appearing to this Commission from an examination of the questions involved and from the evidence that the Alden-Batavia Natural Gas Company does not and can not furnish a sufficient supply of natural gas to its customers in the city of Batavia during the winter months and that said city is dependent upon said company for its supply of gas, and that much inconvenience, suffering, and danger to the health and the lives of the citizens of Batavia are caused by the inability of said company to furnish the necessary amount of gas with adequate and proper pressure, and that it is necessary to restrict the use of gas furnished by said company during the winter months for the purpose of conserving the supply for domestic customers,

Ordered: That all customers of the Alden-Batavia Natural Gas Company in the city of Batavia be and the same are hereby divided into two general classes, to be known as "Domestic Consumers" and "Industrial Consumers"; that Domestic Consumers shall include the users of natural gas for heating, lighting, and cooking in private houses, boarding houses, and apartment houses, and users of natural gas for lighting and cooking only in hotels, restaurants, bakeries, eating places, club houses, hospitals, and charitable institutions; that all other consumers shall be known as "Industrial Consumers".

That from and including the first day of December in each and every year until and including the thirty-first day of March in the succeeding year, no natural gas shall be furnished by the Alden-Batavia Natural Gas Company to any industrial consumers within the city of Batavia for any purpose without the special permission of this Commission except as hereinafter specified and excepted.

Further Ordered: That from and including the first day of December in each and every year until and including the thirty-first day of March in the succeeding year, no domestic consumer shall be permitted to use more than twenty-five thousand cubic feet of natural gas in any one month, counting any thirty successive days during the period above named as one month, nor more than a corresponding part of said twenty-five thousand cubic feet for a proportionate part of said thirty days; and no domestic customer shall be permitted to use gas in a furnace not originally constructed for the use of gas; and said Alden-Batavia Natural Gas Company is hereby directed to discontinue all service to any customer who neglects or refuses to obey this order.

That the Alden-Batavia Natural Gas Company shall attach to its pipes before the 1st day of December, 1918, within the city of Batavia, such a number of self-registering pressure gauges as this Commission shall direct and determine, and said gauges shall be attached at such points and in such manner as this Commission shall hereafter direct. Each of said gauges shall be under the control of this Commission, and access shall only be had to said gauges by such person as shall hereafter be named by this Commission. Charts shall be taken from each of said gauges during the four months herein named by said company, or such person as may be named by the Commission, at such regular intervals as may be directed by the Commission, and such charts shall be immediately filed as directed by the Commission.

That the standard pressure to be maintained in the service pipes of all customers in the city of Batavia shall be at least four ounces per square inch.

That the provisions of this order shall not apply to any customer of the Alden-Batavia Natural Gas Company in the city of Batavia who shall be engaged in any business deemed essential by the United States Government for its use in the conduct of the war in which the Government is now engaged and in which business the Government of the United States deems the use of natural gas to be necessary.

Further Ordered: That the Alden-Batavia Natural Gas Company shall on or before the 10th day of July, 1918, notify all of its customers in the city of Batavia of the provisions of this order by publishing a copy thereof at least once in a newspaper published in the city of Batavia, and by serving a copy thereof either personally or by mail upon all industrial consumers.

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Further Ordered: That the Alden-Batavia Natural Gas Company shall within ten days after the receipt by it of a copy of this order notify the Commission whether the terms of this order are accepted and will be obeyed.

[Case No. 6447]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of ORSAMUS B. LENT, individually and as superintendent of highways of the Town of Cortlandt, Westchester county, *against* PEEKSKILL LIGHTING AND RAILROAD COMPANY as to passenger fare between Montrose and Verplancks.

The answer of the company in the above matter states "since which time and before this complaint was received by me we reduced the fare in the zones lying outside of the village of Peekskill and within the limits of the town of Cortlandt to five cents per passenger, which I presume answers this complaint". Attorney complainant informed the Commission that this satisfies the complaint; therefore it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

[Case No. 6468]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of N. C. CLAUSSEN ARCHITECTURAL IRON Co., INC., under section 53, Public Service Commissions Law, for permission to construct, and for approval of a franchise from the City of Albany to construct at grade a single track switch and siding in Tivoli street, in the city of Albany.

The City of Albany granted a franchise for the construction, maintenance, and operation of a branch track for freight on Tivoli street, in the city of Albany, and under the Second Class Cities Law sold it at public auction to N. C. Claussen Architectural Iron Co., Inc., which assigned it to The New York Central Railroad Company, and the railroad company accepted the assignment. The whole purpose was to permit the construction of an industrial track in Tivoli street, from the line of the Tivoli Hollow railroad to the plant of the Architectural Iron Company. Tivoli street is used solely by manufacturing concerns. At the hearing held in Albany June 18, 1918, Alexander T. Selkirk appeared for the petitioner, and W. L. Visscher appeared

for the railroad company. There were no appearances in opposition. It is determined and stated that the construction of said track and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission of this Commission be and it hereby is given to The New York Central Railroad Company for the construction, maintenance, and operation of a single branch track for the transportation of freight from the tracks of The New York Central Railroad Company on Tivoli street, in the city of Albany, beginning about six hundred and fifty feet westerly from the southwest corner of Tivoli street and North Pearl street, and running thence southeasterly on and along said Tivoli street south of the said The New York Central Railroad Company's tracks in said city for a distance of approximately three hundred feet; and to the construction, maintenance, and operation of a further branch track for the same purpose, connecting by means of the aforesaid branch track with the said The New York Central Railroad Company's track from a point approximately five hundred and ten feet westerly of the southwest corner of Tivoli street and North Pearl street, and running thence on and along said Tivoli street in a southeasterly direction and south of said The New York Central Railroad Company's track and said first mentioned branch track for a distance of approximately one hundred and fifty feet.

2. That the approval of this Commission be and it hereby is given to The New York Central Railroad Company and N. C. Claussen Architectural Iron Co., Inc., to exercise the rights and privileges conferred by said franchise granted by the common council of the City of Albany April 15, 1918, subject however to all the terms and conditions thereof.

3. That the N. C. Claussen Architectural Iron Co., Inc., and The New York Central Railroad Company shall notify this Commission within ten days after the service of this order whether the terms thereof are accepted and will be obeyed by each of them in all respects.

[Case No. 6326]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ERIE RAILROAD COMPANY under section 91 of the Railroad Law for the closing and discontinuance of a grade crossing of its railroad by the Old Main Road leading from Hinsdale to Cuba.

During the years 1906 and 1907 the Erie Railroad Company double tracked and otherwise improved its railroad in the town of Hinsdale, and in connection with this work attempted to improve conditions at grade crossings and to carry out improvements at station grounds, etc. Following out this programme, it proposed to eliminate the grade crossing of the Old Main Road from Hinsdale to Cuba, referred to in this petition, by constructing a new road on the south side of its railroad and for its major distance parallel thereto from the Old Main Road westerly 2300 feet to a street called Elm street, a north and south highway which crosses the railroad over its grade, although at that time it did not take the necessary legal steps to accomplish this end. The Old Main Road from Hinsdale to Cuba crosses the Erie railroad at grade on a very sharp skew. It formerly accommodated considerable travel, but since the construction of the state road system a large part of the traffic has been diverted to another direction so that at the present time the

traffic is comparatively light. The testimony in the case, indicating a fair average of highway traffic per day, shows the following crossing movements: Pedestrians, 10; vehicles of all kinds, 15; total number of trains, 34. In accordance with the application, the petitioner is willing to bear the entire cost of the improvement, intending to charge no part thereof to either the State or the Town of Hinsdale: the estimated cost of the entire improvement being \$7179.03, of which there has already been expended by the railroad corporation the sum of \$5104.03. The improvement is opposed by the Town of Hinsdale, mainly for the reason that grades will be introduced in the highway system which are in excess of those on the present route, and for the additional reason that the new highway will probably be seriously obstructed in winter time by snowdrifts. The Commission has investigated the first and probably the more serious of these two objections, and is satisfied that the town is misinformed with reference thereto; and as to the latter, it does not consider the possibility of snowdrifts to be more serious at this point than at countless other locations in the State. Upon this application, after proper notice to all parties in interest, a public hearing as required by law was held by the Commission at Olean on May 10, 1918, due proof of publication of such notice and of personal service thereof upon property owners being of record. At this hearing appeared G. R. James and Dowd & Quigley for the Erie Railroad Company; George A. Larkin for the Town of Hinsdale; and property owners D. G. Hedden, T. H. B. Rogers, and A. L. Gardner. Upon the evidence submitted the Commission has decided that the petition be granted. It is therefore

Ordered: 1. That the grade crossing of the Erie railroad by the Old Main Road from Hinsdale to Cuba be closed and discontinued, and that highway travel be diverted therefrom by means of a new highway on the south side of the Erie railroad to Elm street, substantially as shown upon a plan dated January 20, 1917, attached to the petition herein; said highway to be constructed and improved in accordance with plans and specifications subject to the approval of this Commission; said plans and specifications to embody the following requirements: All fences, where necessary, to be repaired, and new fences if required to be constructed; guard-rails adjacent to the traveled portion of the roadway to be provided where embankments are two feet or more in height; ditches to be constructed and surface water led to channels of proper capacity in order to insure rapid run-off and proper drainage of the new highway. If necessary, culverts to insure said condition shall be provided. The material which has been deposited on the road through landslides or wash shall be removed. The intersection of the new highway with the Old Main Road shall be so made as to provide an easy turn for vehicles. The new highway shall be surfaced with gravel or stone for a width of not less than 14 feet and a depth of about 6 inches.

2. That in pursuance of its consent and agreement as stated in the petition herein, the Erie Railroad Company shall assume, pay, and discharge the entire cost and expense of the construction and work herein authorized and provided for, including the cost of any lands, rights, or easements necessary or required for the purpose of carrying out the provisions of this order, and of any land or other damages whatsoever which may arise by virtue hereof, including the closing of the old grade crossing. This order being granted upon the express condition that no financial liability or obligation whatsoever shall attach to or fall upon the State of New York or the Town of Hinsdale on account of the acquisition of lands, rights, or easements necessary or required, the construction and work, or for any other incidental expenses herein authorized and provided for.

The acceptance of this order by the Erie Railroad Company shall be deemed as an undertaking on its part to save the State of New York, this Commission, and the Town of Hinsdale harmless from all costs, expenses, claims, or demands whatsoever on account of this order and of any of the provisions thereof.

[Case No. 6474]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHTE,
Commissioners.

Petition of THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY under section 53, Public Service Commissions Law, for permission to construct a sidetrack at grade across Abbott Road, in the city of Buffalo, and for approval of the exercise of a revocable permit therefor received from the city. Also matter of crossing of International railway.

Appearances: Louis L. Babcock for The Delaware, Lackawanna and Western Railroad Company; Frank F. Williams for Charles H. Dold and Phillip B. Dold, property owners; James C. Sweeney for International Railway Company.

A petition under section 53, Public Service Commissions Law, having been filed with this Commission by The Delaware, Lackawanna and Western Railroad Company for approval of the exercise of a revocable permit received by it from the council of the City of Buffalo and the mayor of said city, permitting said company to construct a sidetrack at grade across the Abbott Road highway in said city for the use of the Ferguson Steel and Iron Company, Inc.; and a public hearing on said petition after due notice having been held by Chairman Hill of this Commission in the city of Buffalo on June 21, 1918, at which those named hereinabove appeared; and it appearing that the construction of said sidetrack by allowing prompt delivery and receipt of freight cars will facilitate the operation of the plant of the Ferguson Steel and Iron Company, Inc., during the war, and that the revocable permit by its terms terminates within six months after the close of the war; and it appearing at the hearing that two main tracks of the International electric railway are operated at grade in the Abbott Road at the proposed point of crossing; and this Commission hereby determining from the papers and hearing that the exercise of said revocable permit is necessary and convenient for the public service under the conditions hereinafter named, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves the exercise by The Delaware, Lackawanna and Western Railroad Company of a revocable permit granted to said The Delaware, Lackawanna and Western Railroad Company by the council of the City of Buffalo May 29, 1918, and approved by the mayor of said city June 7, 1918, copy of which permit certified by the city clerk to be a true copy is filed with the papers in this case, to lay a single sidetrack at grade across the Abbott Road highway in said city at a point about 175 feet westerly from the westerly side of the viaduct of said railroad on the Abbott Road, which point is between New Abbey street and Abbey street which intersect the Abbott Road, for the movement of freight cars to and from the plant of the Ferguson Steel and Iron Company, Inc., on condition that The Delaware, Lackawanna and Western Railroad Company shall comply with all of the conditions named in said revocable permit, and particularly shall operate no engine or freight car over said Abbott Road without such engine or freight car being preceded by a flagman to warn travel on the Abbott Road.

It appearing that said sidetrack will cross at grade two tracks operated by the International Railway Company in said Abbott Road, and that company having been given notice of said hearing and having appeared and been heard thereat, it is

Further Ordered: That this Commission, under section 98 of the Railroad

Law, hereby determines that said sidetrack shall cross said International railway at said point in the Abbott Road at the grade of said railway, and that the entire expense of said crossing shall be borne by The Delaware, Lackawanna and Western Railroad Company.

Further Ordered: That all cars operated on said International railway approaching said crossing of said sidetrack shall come to a full stop and not proceed until the conductor of the International railway car shall have crossed said sidetrack and signaled the motorman of the car to proceed.

[Case No. 5390]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of FRANK F. GILLETT under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto-buses in the city of Ithaca and in the city of Elmira, it being proposed that the route shall also be operated between the city of Ithaca and the city of Elmira. Joint Petition of FRANK F. GILLETT and JOHN L. HICKS for consent to assignment of certificate to Hicks.

By order and amendatory order of May 16, 1916, and August 24, 1916, this Commission granted to Frank F. Gillett certificates of public convenience and necessity for the operation of a stage route by auto buses in the cities of Ithaca and Elmira as parts of a route to be operated between said cities. On September 11, 1917, the Commission granted permission to said Gillett to lease said certificates for a period of one year to Robert Brooks and Arthur Harris. It appears from the papers in this petition that the route has since been returned to said Gillett, who now, jointly with John L. Hicks, petitions the Commission for its consent to the assignment of said certificates by Frank F. Gillett to said John L. Hicks. The consents of the cities of Ithaca and Elmira have been procured, and certified copies of such consents are on file with the petition herein. A hearing was held at Ithaca June 22, 1918, at which Donald C. Hawkes appeared as attorney for John L. Hicks. There was no appearance in opposition. It is therefore

Ordered: That the consent of the Commission be and hereby is given to the assignment by Frank F. Gillett to John L. Hicks of the certificates of public convenience and necessity granted by the Commission to said Frank F. Gillett May 16, 1916, and August 24, 1916.

[Case No. 5663].

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BABHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of FRANK F. GILLETT under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Ithaca, it being proposed that the route shall also be operated between Ithaca and the incorporated village of Watkins, Schuyler county. Joint Petition of FRANK F. GILLETT and JOHN L. HICKS for consent to assignment of certificate to Hicks.

By order of August 24, 1916, this Commission granted to Frank F. Gillett a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Ithaca as a part of a line to be operated between Ithaca and the incorporated village of Watkins, Schuyler county. On September 11, 1917, the Commission granted permission to said Gillett to lease said certificate for a period of one year to Robert Brooks and Arthur Harris. It appears from the papers in this petition that the route has since been returned to said Gillett, who now, jointly with John L. Hicks, petitions the Commission for its consent to the assignment of said certificate by Frank F. Gillett to said John L. Hicks. The consent of the City of Ithaca has been procured and a certified copy of such consent is on file with the petition herein. A hearing was held at Ithaca June 22, 1918, at which Donald C. Hawkes appeared as attorney for John L. Hicks. There was no appearance in opposition. It is therefore

Ordered: That the consent of the Commission be and hereby is given to the assignment by Frank F. Gillett to John L. Hicks of the certificate of public convenience and necessity granted by the Commission to said Frank F. Gillett August 24, 1916.

[Case No. 5914]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BABHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of RANDOLPH LIGHT AND POWER COMPANY, INC., under section 69 of the Public Service Commissions Law for authority to issue a mortgage for \$50,000, and one 6 per cent bond for the same amount.

Amendatory
order.

Petition filed February 26, 1917; report of division of capitalization dated February 28, 1917; order entered March 1, 1917; report of division of capitalization dated September 21, 1917; report of division of capitalization dated

October 4, 1917; supplemental order entered October 4, 1917; second supplemental order entered November 5, 1917; supplemental petition filed April 30, 1918; report of division of capitalization dated May 7, 1918; third supplemental order dated May 10, 1918; report of division of light, heat, and power dated May 27, 1918; final report of division of capitalization dated June 15, 1918; memorandum dated June 27, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That proposed journal entries numbers 1 and 2, contained in the final report of the division of capitalization in this proceeding dated June 15, 1918, which on June 18, 1918, was sent to the corporation, such entries being listed in appendix IV, page 14 thereof, shall be entered upon the books of the Randolph Light and Power Company, Inc., and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission; and further, it is recommended that journal entry number 3, contained in appendix IV, page 15, of the aforesaid final report, also be spread upon the books of the company, and that this Commission be advised if such entry has been so made.

2. That the order dated March 1, 1917, as amended under dates of October 4, 1917, November 5, 1917, and May 10, 1918, is hereby vacated, and the consents and approvals granted therein are hereby canceled and revoked.

[Case No. 5985]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of GOWANDA LIGHT AND POWER CORPORATION under section 69 of the Public Service Commissions Law for authority to issue \$45,000 in common capital stock, and a bond and mortgage for \$30,000.

Amendatory
order.

Petition filed April 23, 1917; report of division of capitalization dated May 4, 1917; report of division of capitalization dated October 23, 1917; report of division of light, heat, and power dated November 23, 1917; supplemental report of division of light, heat, and power dated May 6, 1918; final report of division of capitalization dated June 12, 1918; report of division of capitalization dated June 26, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated June 12, 1918, which on June 18, 1918, was sent to the corporation, such entries being listed on pages 7 to 9 inclusive thereof, shall be entered upon the books of the Gowanda Light and Power Corporation, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the order dated May 15, 1917, is hereby modified and amended in such manner as to authorize the issuance of \$5000 par value of common capital stock and the use of the proceeds realized from its sale at not less than par for the discharge of the indebtedness enumerated in said order, and that the authorization in addition thereto to execute a mortgage and issue a \$30,000 bond thereunder and to use the proceeds thereof is hereby vacated.

[Case No. 6073]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of ALBANY SOUTHERN RAILROAD COMPANY
under subdivision 1, section 49, Public Service Com-
missions Law, for permission to increase passenger
fares. Increase to apply to the city of Hudson only.
Application for increase withdrawn as to remainder.

Appearances: James E. Hewes, Albany, N. Y., for the petitioner; Ernest L. Boothby, Rensselaer, N. Y., corporation counsel, for the City of Rensselaer. Evidence in this proceeding having been given in the general hearings on petitions [Nos. 6073-6100] of trolley companies for increase of fare, and the evidence having been concluded at a final hearing April 25, 1918; and at that hearing the application for increase of fare in the city of Rensselaer having been withdrawn; and the City of Hudson not appearing at the hearing, but the statement having been there made that no objection would be raised by said city; and said statement having been communicated to the mayor of Hudson on May 10, 1918, with a request that he verify same, and no answer having been received from said mayor; and evidence having been given showing that the value of the trolley property used in Hudson is in excess of two hundred thousand dollars (\$200,000); that the same line is used for inter-urban traffic; that the net operating revenue of the local line is eight thousand dollars (\$8000) making no allowance for taxes or depreciation; that the taxes paid on the trolley property in Hudson amount to four thousand dollars (\$4000); that allowing one-half of the value of the property as being used in the Hudson local line and one-half of the taxes and depreciation being charged to the local line, a deficit appears in excess of twenty-five hundred dollars (\$2500); therefore it is

Ordered: That the prayer of the petition for an increase of fare in the city of Hudson from five to six cents be and the same is hereby granted.

[Case No. 6267]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaints of FRANK GALGANO,
DOMINICK TELESKO, CHARLES LORD, and JOHN LAM-
BERT, JR., of New Rochelle against WESTCHESTER
LIGHTING COMPANY, asking that mains be laid and
they be supplied with gas at their residences.

The issues formed by the complaints and answer in the above entitled case having come on to be heard before Commissioner Barhite at the office of the Commission in New York city on the 2nd day of May, 1918, at which time

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H. J. K. Heath, esq., of New York city appeared for the complainants, and Messrs. John J. Crennan of New Rochelle and Martin S. Decker of Albany appeared for the respondent; and it appearing from the evidence that the respondent company should not be required under present conditions to build the extension of its plant demanded by the complainants, it is

Ordered: That the complaints in the above entitled case be and they are hereby dismissed and the case closed on the books of the Commission.

[Case No. 6306]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of EDWARD STETSON GRIFFING, AS MAYOR OF NEW ROCHELLE, *against* WEST-CHESTER LIGHTING COMPANY, asking that gas lamps be furnished to light streets in Highland Park.

The issues formed by the complaint and answer in the above entitled case having come on to be heard before Commissioner Barhite at the office of the Commission in New York city on the 2nd day of May, 1918, at which time Walter G. C. Otto, esq., of New Rochelle appeared for the complainant, and Messrs. John J. Crennan of New Rochelle and Martin S. Decker of Albany appeared for the respondent; and it appearing from the evidence that the respondent company should not be required under present conditions to build the extension of its plant demanded by the complainant, it is

Ordered: That the complaint in the above entitled proceeding be and the same is hereby dismissed and the case closed on the books of the Commission.

[Case No. 6352]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of RESIDENTS OF BINGHAMTON and JOHNSON CITY *against* BINGHAMTON RAILWAY COMPANY as to proposed stopping of sale of certain passenger tickets; and on the Commission's own initiative.

Appearances: Harry C. Perkins, attorney complainants; Curtiss, Keenan & Tuthill, attorneys Binghamton Railway Company.

This Commission by orders dated February 20 and April 25, 1918, having suspended until and including June 29, 1918, a portion of a tariff filed with this Commission by Binghamton Railway Company, proposed to be effective February 25, 1918, entitled P. S. C., 2 N. Y., No. 8, the portion of the tariff

suspended being that which proposed to withdraw from the public certain reduced rate tickets; and Commissioner Fennell of this Commission having heard the merits of this matter at a public hearing in Binghamton on March 15 and May 24, 1918, those named above appearing; and the Commission being satisfied from the evidence in this case, and for the reasons given in its Opinion of this date, that such portion of said tariff should not be further suspended but should be allowed to go into effect, it is

Ordered: That the complete tariff in question, to wit that entitled P. S. C., 2 N. Y., No. 8, filed with this Commission, may take effect on June 30, 1918, portions of it being already in effect.

Further Ordered: That the complaint [case No. 6352] of residents of Binghamton and Johnson City against Binghamton Railway Company is hereby dismissed.

[Case No. 6458]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition and Supplemental Petition of IROQUOIS UTILITIES, INC., for approval *nunc pro tunc* of consolidation, for authority to issue capital stock, and for authority to issue a mortgage and mortgage bonds.

Petition filed May 16, 1918; supplemental petition filed May 29, 1918; second supplemental petition (letter) filed June 16, 1918; report of division of capitalization dated June 18, 1918; hearing held June 26, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the consolidation of the Gowanda Light and Power Corporation and the Randolph Light and Power Company, Inc., into the Iroquois Utilities, Inc., as of May 8, 1918, is hereby authorized *nunc pro tunc*.

2. That the Iroquois Utilities, Inc., is hereby authorized to issue \$30,000 par value of its 7 per cent cumulative preferred stock and to use such stock solely for the purpose of even exchange for a like par amount of preferred stock of the Randolph Light and Power Company, Inc.

3. That the Iroquois Utilities, Inc., is hereby authorized to issue \$22,000 par value of its common capital stock and to use such stock solely for the purpose of even exchange for (a) common capital stock of the Gowanda Light and Power Corporation having a par value of \$5000; (b) common stock of the Randolph Light and Power Company, Inc., having a par value of \$17,000: \$22,000.

4. That the Iroquois Utilities, Inc., is hereby authorized to execute and deliver to the Central City Trust Company of Syracuse, as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, to be dated the 1st day of July, 1918, to secure an issue of first mortgage thirty-year 6 per cent gold bonds to the aggregate amount of \$1,000,000 face value, bearing interest at the rate of 6 per cent per annum, a copy of which has been filed with the Commission herein, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

5. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission, and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

6. That the Iroquois Utilities, Inc., is hereby authorized to issue \$89,000 face value of its 6 per cent thirty-year first mortgage gold bonds under the aforesaid mortgage, and to sell said bonds for not less than 90 per cent of their face value to realize net proceeds of at least \$80,100.

7. That the proceeds of said bonds so authorized which shall not be less than \$80,100, shall be used solely and exclusively for the following purposes:

1. For the discharge of indebtedness of the Gowanda Light and Power Corporation outstanding at January 31, 1917, as set forth in an order dated May 15, 1917, in case No. 5985, or the renewals thereof, as follows:

(a) Funded debt, real estate mortgage.....	\$6,500.00
(b) Bills payable (G. M. Gest).....	32,680.23
(c) Bills payable	25,774.79
(d) Accounts payable:	
G. M. Gest.....	7,167.25
Sundry.	4,988.02
	<hr/>
	\$77,110.29

Less proceeds of stock authorized to be issued by order dated May 15, 1917, sold and used for the payment of accounts payable due G. M. Gest.....

5,000.00

\$72,110.29

2. For the discharge of indebtedness of the Randolph Light and Power Company, Inc., outstanding at January 31, 1917, as set forth in an order dated March 1, 1917, in case No. 5914, or the renewals thereof, as follows:

(a) Funded debt, real estate mortgage.....	\$6,000.00
(b) Bills payable (G. M. Gest).....	5,434.69
(c) Bills payable	87,209.61
(d) Accounts payable	8,006.24
	<hr/>
	\$51,650.54

Less amount of "Bills payable (G. M. Gest)" discharged with proceeds of loan from Sun Life Assurance Company, per verified reports in case No. 5914.....

18,000.00

33,650.54

To discharge note owing to the Sun Life Assurance Company which is secured by pledge of \$50,000 bond.....

18,000.00

\$123,760.83

Amount unprovided for..... \$43,660.83

8. That pending the sale of the bonds herein authorized the Iroquois Utilities, Inc., may, in the alternative, pledge at not less than 90 per cent of their face value all or any part of said bonds as collateral security for any of its loans, provided that the following prohibitions are observed: (a) That the principal of such loans for which said bonds are pledged shall in no event be less than 90 per cent of the face value of the bonds pledged as collateral security therefor; (b) that said bonds shall not be pledged for a greater period than one year from the date of this order without the further order of this Commission; (c) that the actual cost of the money to be procured through the issuance of the short-term loans above mentioned shall not be greater than 6 per cent per annum.

9. That the notes or the proceeds thereof for which bonds herein authorized are pledged as collateral security shall be used solely and exclusively for the purposes for which the bonds or their proceeds are authorized to be used as enumerated in clause No. 7 of this order.

10. That the Iroquois Utilities, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what securities have been sold, exchanged, or pledged during such period; (b) the dates of such sales, exchanges, or pledgings; (c) to or with whom such securities were sold, exchanged, or pledged; (d) the amount and description of stock which

was received in exchange; (e) what proceeds were realized from such sales; (f) the principal, term, and interest rate of each loan for which such bonds are pledged; (g) the total face value of bonds which remain pledged as collateral security for said loans on the closing date of such period; (h) any other terms and conditions of such transactions; (i) in detail the amount of the proceeds of the bonds or loans herein authorized which has been expended during such period for each of the purposes specified herein. Such reports shall continue to be filed until all of said securities shall have been sold, exchanged, or pledged and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold, exchanged, or pledged or proceeds expended the report shall set forth such fact.

11. It is nevertheless expressly provided that in all respects other than as directed in clauses Nos. 1 of orders entered simultaneously herewith in cases Nos. 5914 and 5985, this order shall not be effective, and particularly that no securities shall be issued or sold, exchanged, or pledged hereunder by the applicant, nor shall the issue, sale, exchange, or pledging of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clauses shall have been made, reported to, and approved as sufficient by this Commission.

12. That the Iroquois Utilities, Inc., shall within a reasonable time after the consummation of the consolidation ratified in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the consolidation hereby ratified.

13. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6467]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of June, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of HERBERT M. PARKE under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Rome, it being proposed the route shall also be operated between Rome and the incorporated village of Camden, Oneida county.

Herbert M. Parke asks for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of

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No. 7060; June 3, 1918; The New York, New Haven and Hartford Railroad Company:

Ordered: That on its application therefor dated May 31, 1918, The New York, New Haven and Hartford Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. F-327, adding to said tariff the following notation: "Issued on five days' notice under special permission of the Public Service Commission, Second District, State of New York, No. 6978, dated March 20, 1918." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. F-327, effective June 10, 1918.

No. 7061; June 4, 1918; United States Railroad Administration, New York Canal Section:

Ordered: That on its application therefor dated June 1, 1918, the United States Railroad Administration, New York Canal Section, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$2.10 per ton of 2000 pounds to apply on canal-boat shipments of sand, minimum weight 200 tons, from Port Eaton, N. Y., to Syracuse, N. Y., Rochester, N. Y., Medina, N. Y., and Buffalo, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 12, effective June 7, 1918.

No. 7062; June 5, 1918; Albany Southern Railroad Company:

Ordered: That on its application therefor dated June 5, 1918, the Albany Southern Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of June 11, 1918, a supplement to its tariff of class and commodity rates, P. S. C., 2 N. Y., No. 145, and establish therein the commodity rates as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 145, effective June 11, 1918.

No. 7063; June 5, 1918; New York State Railways:

Ordered: That on its applications therefor dated June 5, 1918, the New York State Railways, Oneida Lines, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of June 10, 1918, tariff schedules establishing joint passenger fares between points on its line and the lines of The New York Central Railroad Company, West Shore Railroad, and the New York, Ontario and Western Railway Company, such schedules to cancel existing schedules P. S. C., 2 N. Y., Nos. O-10 and O-11, and establish new joint fares to be no higher than the combination of the New York State Railways, Oneida Lines, local fares to junction points, and the local fares to be established effective June 10, 1918, by The New York Central Railroad Company, West Shore Railroad, and New York, Ontario and Western Railway Company to apply from such junction points to various destinations on their lines. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. Nos. O-22 and O-23, effective June 10, 1918.

No. 7064; June 5, 1918; Southern New York Power and Railway Corporation:

Ordered: That on its application therefor dated June 5, 1918, the Southern New York Power and Railway Corporation be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of June 10, 1918, tariff schedules establishing joint passenger fares between points on its line and the lines of the Boston and Albany Railroad, The Delaware, Lackawanna and Western Railroad Company, Fonda, Johnstown and Gloversville Railroad Company, Fulton Chain Railway Company, The New York Central Railroad Company, and Raquette Lake Railway Company, such schedules to cancel existing schedules: Otsego and Herkimer Railroad Company P. S. C., 2 N. Y., Nos. 242 and 243, and establish new joint fares to be no higher than the combination of the Southern New York Power and Railway Corporation local fares to junction points and the local fares to be established effective June 10, 1918, by said carriers to apply from such junction points to various respective destinations on their lines. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. Nos. 49 and 50, effective June 10, 1918.

No. 7065; June 11, 1918; Schenectady Railway Company:

Ordered: That on its application therefor dated June 11, 1918, the Schenectady Railway Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a joint tariff of class and commodity rates applying in either direction between stations of the Schenectady Railway Company and the New York terminal of the Catskill and New York Steamboat Company, as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 11, effective June 17, 1918.

No. 7066; June 11, 1918; Peekskill Lighting and Railroad Company:

Ordered: That on its application therefor dated June 10, 1918, the Peekskill Lighting and Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its local tariff of passenger fares, P. S. C., 2 N. Y., No. 4, and provide for the sale and use of trip tickets good for 16 rides between Verplancks and the corner of Albany Post Road and Welcher Avenue for \$1.10, such tickets to be unlimited and good until used. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 4, effective June 17, 1918.

No. 7067; June 7, 1918; Hudson River Day Line:

Ordered: That on its application therefor dated June 5, 1918, the Hudson River Day Line be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, tariff schedules operating to cancel its passenger fare tariffs P. S. C., 2 N. Y., Nos. 28 and 29, and to issue new schedules in place thereof, establishing new individual and joint fares so far as the same apply to traffic subject to the jurisdiction of this Commission, the new individual and joint fares so to be established to increase present fares proportionate with the all-rail fares as requested by the United States Railroad Administration. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 30, effective June 26, 1918.

No. 7068; June 13, 1918; Hudson Navigation Company:

This special permission not used.

No. 7069; June 19, 1918; Hudson Valley Railway Company:

Ordered: That on its application therefor dated June 19, 1918, the Hudson Valley Railway Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date thereof, a tariff schedule to establish rates on Broken or Crushed Stone as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 28, effective June 28, 1918.

No. 7070; June 17, 1918; International Railway Company:

Ordered: That on its application therefor dated June 14, 1918, the International Railway Company be and is hereby authorized to file, on not less than fifteen days' notice to the public and the Commission and under an effective date not earlier than July 10, 1918, supplements to its passenger tariffs P. S. C., 2 N. Y., Nos. 178, 180, and 181, changing the fares therein as set forth in said applications, which applications are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplements Nos. 1 to P. S. C. Nos. 178, 180, and 181, effective July 10, 1918.

No. 7071; June 27, 1918; Central-Hudson Steamboat Company:

Ordered: That on its application therefor dated June 27, 1918, the Central-Hudson Steamboat Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, tariffs containing proposed schedules of rates and charges to apply generally in connection with the Orange County Traction Company and also with the New Paltz, Highland and Poughkeepsie Traction Company, as set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. Nos. 32 and 35, effective July 10, 1918.

No. 7072; June 29, 1918; Albany Southern Railroad Company:

Ordered: That on its application therefor dated June 26, 1918, the Albany Southern Railroad Company be and is hereby authorized to file, on not less than two days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. 144, and establish the following regulation: "Beer Barrels, empty, returned, three cents less than third class." This authority does not waive any of the requirements of the Commission's published regulations relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 144, effective July 1, 1918.

No. E-78; Director General of the United States Railroad Administration and the American Railway Express Company:

Ordered: That on request therefor by the Director General of the United States Railroad Administration dated June 25, 1918, and application of the Wells Fargo and Company and the Adams and American Express Companies or their successor, the American Railway Express Company, said companies be and they are hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, tariff schedules operating to increase express rates generally applicable to New York intrastate traffic by 10 per cent. This authority does not waive

any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by American Railway Express Company's P. S. C. No. 2, effective July 15, 1918.

No. El-48; June 27, 1918, Corning Light and Power Corporation:

Ordered: That on its application therefor dated June 27, 1918, the Corning Light and Power Corporation be and is hereby authorized to file, on not less than four days' notice to the public and the Commission and under an effective date of July 1, 1918, a new service classification to cover power consumers who guarantee a demand of 200 kilowatts with a minimum charge of \$4800 per annum, as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective July 1, 1918.

No. G-30; June 27, 1918; Long Island Lighting Company:

Ordered: That on its application therefor dated June 26, 1918, the Long Island Lighting Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of July 1, 1918, Fourth Revised Leaf No. 5 to its general schedule for gas, P. S. C., 2 N. Y., No. 1, superseding Third Revised Leaf No. 5 which was filed to take effect July 1, 1918, and continue Service Classification No. 1 as shown on Second Revised Leaf No. 5. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective July 1, 1918.

No. G-31; June 27, 1918; Huntington Gas Company:

Ordered: That on its application therefor dated June 26, 1918, the Huntington Gas Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of July 1, 1918, Third Revised Leaf No. 5 to its general schedule for gas, P. S. C., 2 N. Y., No. 2, superseding Second Revised Leaf No. 5 which was filed to take effect July 1, 1918, and continue Service Classification No. 1 as shown on First Revised Leaf No. 5. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective July 1, 1918.

No. G-32; June 27, 1918; Long Island Gas Corporation:

Ordered: That on its application therefor dated June 26, 1918, the Long Island Gas Corporation be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of July 1, 1918, Third Revised Leaves Nos. 6 and 7 to its general schedule for gas, P. S. C., 2 N. Y., No. 2, superseding Second Revised Leaves Nos. 6 and 7 which were filed to take effect July 1, 1918, and continue Service Classifications Nos. 1 and 2 as shown on First Revised Leaves Nos. 6 and 7. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective July 1, 1918.

No. G-33; June 27, 1918; Sea Cliff and Glen Cove Gas Company:

Ordered: That on its application therefor dated June 26, 1918, the Sea Cliff and Glen Cove Gas Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of July 1, 1918, Third Revised Leaf No. 5 to its general schedule for gas, P. S. C., 2 N. Y., No. 2, superseding Second Revised Leaf No. 5 which

was filed to take effect July 1, 1918, and continue in force Service Classification No. 1 as shown on First Revised Leaf No. 5. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective July 1, 1918.

No. G-34; June 27, 1918; Patchogue Gas Company:

Ordered: That on its application therefor dated June 26, 1918, the Patchogue Gas Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of July 1, 1918, Third Revised Leaf No. 5 to its general schedule for gas, P. S. C., 2 N. Y., No. 2, superseding Second Revised Leaf No. 5 which was filed to take effect July 1, 1918, and continue in force Service Classification No. 1 as shown on First Revised Leaf No. 5. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective July 1, 1918.

[Case No. 5834]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of THE PENNSYLVANIA RAILROAD COMPANY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY under subdivision 2, section 54, Public Service Commissions Law, for consent to acquire jointly or severally capital stock of the Frontier Electric Railway Company. Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for rehearing.

This Commission having heretofore and on the 19th day of March, 1918, made its order wherein and whereby The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company were granted permission to acquire the capital stock of the Frontier Electric Railway Company; and The New York Central Railroad Company, which may only be considered a party because it filed a brief covering this and other cases, and is not a party in a proper sense, having filed its petition with this Commission, asking that a rehearing may be had and the Commission's order of March 19, 1918, be vacated and set aside, and that The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company be denied the permission which they sought to acquire the capital stock of the Frontier Electric Railway Company; and due consideration of the facts set forth in said petition having been had, it is

Ordered: That the application of The New York Central Railroad Company for a hearing in the above entitled matter be and the same is hereby denied.

[Case No. 5915]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application for revocation of certificate heretofore issued to the FRONTIER ELECTRIC RAILWAY COMPANY, that public convenience and a necessity required the construction of its railroad. Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for rehearing.

The New York Central Railroad Company, one of the parties to the above entitled proceeding, having filed its petition with this commission asking that the order heretofore made by this commission on the 19th day of March, 1918, which said order refused to vacate a certificate of public convenience and a necessity granted to the Frontier Electric Railway Company by the

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Board of Railroad Commissioners on the 14th day of November, 1906, be vacated and set aside, and that a rehearing may be had in the above entitled matter, and said petition having been duly considered by this commission, it is

Ordered: That the petition of The New York Central Railroad Company for a rehearing in the above entitled matter be and the same is hereby denied.

[Case No. 5981]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for the elimination of crossings in the cities of Tonawanda and North Tonawanda.

Upon the recommendation of The New York Central Railroad Company as indicated by the signature of its chief engineer upon a detail plan dated March 30, 1918, showing the retaining wall and approaches to be constructed in Young street, in the city of Tonawanda, in connection with the approaches to the re-located Fremont Street bridge across Ellicott creek, pursuant to a determination of the commission in the matter above entitled, and upon the approval of the local authorities as similarly indicated by the approval signature, on said plan, of Fred C. Koehn, Mayor of the City of Tonawanda, it is

Ordered: That said plan be and is hereby approved by this Commission.

[Case No. 6165]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Amended Petition of ALBANY SOUTHERN RAILROAD COMPANY which asks, under subdivision 10, section 8, Railroad Law, and sections 55 and 69, Public Service Commissions Law, authority to issue a mortgage and bonds, and a collateral trust indenture and notes.

Amendatory
order.

Petition filed August 11, 1917; report of division of capitalization dated February 21, 1918; amended petition filed March 14, 1918; hearing held March 20, 1918; final form of proposed mortgages filed May 31, 1918; report of division of capitalization dated June 5, 1918; order entered under date of June 6, 1918; second amendatory petition filed June 21, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clauses Nos. 1 and 8 of the order herein entered under date of June 6, 1918, are hereby modified and amended to read as follows:

1. That the Albany Southern Railroad Company is hereby authorized to execute and deliver to the Empire Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of March, 1918, to secure an issue of first refunding mortgage 30-year gold bonds to the aggregate amount of \$3,000,000 face value, bearing interest at the rate of 6 per cent per annum, a copy of which indenture has been filed with the Commission herein and is marked "Revised and Corrected to July 1, 1918", and that the form thereof so filed is hereby approved; provided that said Company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

8. That the Albany Southern Railroad Company may, in the alternative and pending the sale of the \$550,000 face amount of 7 per cent three-year gold notes herein authorized to be issued, pledge all or any part of said notes as collateral security for its short term loans provided that the following prohibitions are observed: (a) that the principal of such loans for which said notes are pledged shall in no event be less than 76 per cent of the face value of the notes pledged as collateral security therefor; (b) that said notes shall not be pledged for a greater period than one year from the date of this order without the further order of this Commission; (c) that the actual cost of the money to be procured through the issuance of the short term loans above mentioned shall not be greater than 6 per cent per annum; (d) that the loans, or the proceeds thereof, for which the 7 per cent three-year gold notes herein authorized are pledged as collateral security shall be used solely and exclusively for the purposes for which these notes or their proceeds are authorized to be used as enumerated in clause No. 9 of this order.

2. That subdivision (b) of ordering clause No. 9 of the order entered herein under date of June 6, 1918, is hereby modified and amended to read as follows:

(b) For the discharge of floating liabilities outstanding at June 30, 1917, or the renewals thereof, as follows:

Bills payable	\$25,000.00
Accounts payable	69,403.21
Taxes accrued	23,866.81
Interest	24,820.48
Consumers' deposits	7,532.79
Coupon interest matured	1,375.00
Other unfunded debt	1,737.94
	<hr/>
	\$153,236.23

3. That ordering clause No. 12 of the order entered herein under date of June 6, 1918, is hereby modified and amended in such manner as to permit the filing of a satisfactory, verified stipulation accepting this order and the order of June 6, 1918, within thirty days from the date of this amendatory order.

4. That in all other respects the terms and conditions of said order of June 6, 1918, shall remain in full force and effect.

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[Case No. 6422]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of ARCADE AND ATTICA RAILROAD CORPORATION under section 55 of the Public Service Commissions Law for authority to issue \$10,000 in 5 per cent bonds under an existing mortgage.

Petition filed April 25, 1918; report of division of steam railroads dated June 7, 1918; report of division of capitalization dated June 24, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the issuance by the Arcade and Attica Railroad Corporation as of November 2, 1917, of its 6 per cent demand note for \$10,000 payable two years after May 1, 1918, to T. H. Quinn of Olean, N. Y., and the use of the proceeds realized therefrom at face value for making certain additions and improvements to its road and equipment as set forth in detail in folios 5 and 6 of the petition herein and aggregating \$10,000 are hereby authorized *nunc pro tunc*.

2. That the Arcade and Attica Railroad Corporation is hereby authorized to issue \$10,000 face value of its 5 per cent first mortgage gold bonds under a certain indenture, deed of trust, or mortgage, given to the Olean Trust Co., Inc., as trustee, to secure an authorized issue of bonds of a total face value of \$50,000, provided that none of said bonds herein authorized shall be sold without the further order of this Commission.

3. That the Arcade and Attica Railroad Corporation is hereby authorized to pledge said bonds of a total face value of \$10,000 as collateral security for its 6 per cent demand note dated November 2, 1917, issued to T. H. Quinn of Olean, N. Y., providing that the following prohibitions are observed: (a) that said bonds shall not be pledged for a greater period than two years from the date of this order without the further order of this Commission; (b) that the actual cost of the money to be procured through the issuance of the short term loan above mentioned shall not be greater than 6 per cent per annum.

4. That the company shall for each six months period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what if any bonds have been pledged during such period; (b) the date of such pledging; (c) with whom such bonds were pledged; (d) the principal, term, and interest rate of the loan for which such bonds are pledged; (e) the total face value of bonds herein authorized which remain pledged as collateral security for said loan on the closing date of such period; (f) any other terms and conditions of such transactions.

5. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto, and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the note herein authorized *nunc pro tunc*

and the use of the bonds herein authorized were and are reasonably required for the purposes described in this order, and that such purposes were and are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6472]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHTE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of ERIE RAILROAD COMPANY under section 55, Public Service Commissions Law, for authority to issue \$12,500,000 of Series B gold bonds under its refunding and improvement mortgage dated December 1, 1916.

Petition filed June 11, 1918; report of division of capitalization dated June 28, 1918; hearing held June 28, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized to issue \$12,500,000 face value of its 6 per cent 20-year Series B Refunding and Improvement Mortgage Gold Bonds under a certain indenture, deed of trust, or mortgage, dated the 1st day of December, 1916, given to the Bankers Trust Company as trustee, to secure an authorized issue of bonds of a total face value of \$500,000,000.

2. That said bonds of the total face value of \$12,500,000 may be sold for not less than 90 per cent of their face value to realize net proceeds of at least \$11,250,000.

3. That the proceeds of said bonds so authorized, which shall not be less than \$11,250,000 shall be used solely and exclusively for the following purposes:

(a) To be applied toward the reimbursement of the treasury of the company for expenditures made from income for capital purposes to and including December 31, 1917.....	\$5,500,000	
(b) To be applied towards the expenditures made and to be made subsequent to January 1, 1918, on account of the items of work shown upon Exhibits J and J-1, filed with the petition herein, or some one or more of them, the estimated amount to be expended therefor during the year 1918 being summarized as follows:		
Exhibit J	\$7,133,535	
Exhibit J-1	2,733,415	
	<u>9,866,950</u>	
		<u>\$15,366,950</u>
Amount unprovided for.....		\$4,116,950

in so far as the same may be applicable, provided (1) that the proceeds of such bonds shall be applied toward the cost of new construction summarized in subdivision (b) hereof only in so far as such new construction is a real increase in the road and equipment of the petitioner as defined by the Classification of Investment in Road and Equipment of Steam Roads adopted by this Commission; (2) that there shall be no charges to road and equipment on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the

regular officers and employees of the corporation, or in a proper case, where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes, marked (a) and (b) respectively, subject to the limitations herein contained, a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such bonds over the actual costs thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in Exhibits J and J-1 of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to road and equipment, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Classification of Investment in Road and Equipment of Steam Roads.

4. That the Erie Railroad Company shall for each six months period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold during such period; (b) the dates of such sales; (c) to whom such bonds were sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) with respect to subdivision (b) of ordering clause 3 of this order there shall be shown (1) in detail the amount of the proceeds of the bonds herein authorized, which has been expended during such period for each of the purposes detailed in Exhibits J and J-1 of the petition herein, and the account or accounts under the Classification of Investment in Road and Equipment of Steam Roads to which the expenditures for such purposes have been charged, giving all details of any credits to Road and Equipment in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period (g) there shall be shown the amount of bond proceeds used during such period for the purpose specified in subdivision (a) of clause 3 of this order. In reporting under subdivisions (2) and (3) of section (f) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period. Such reports shall continue to be filed until all of said bonds shall have been sold and the proceeds expended or used in accordance with the authority contained herein, and if during any period no bonds were sold or proceeds expended or used, the report shall set forth such fact.

5. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof, and before any bonds are issued pursuant hereto and within thirty days of the service hereof, the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president or vice-president, and secretary or assistant secretary, accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

3. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the petitioner herein shall have been concluded and the corrections, if any, which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

Finally it is determined and stated that in the opinion of the Commission

the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6472]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of ERIE RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue \$12,500,000 of Series B gold bonds under its refunding and improvement mortgage dated December 1, 1916.

Petition filed June 11, 1918; report of division of capitalization dated June 28, 1918; hearing held June 28, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized to issue its promissory note or notes up to a principal sum of \$12,500,000, such note or notes to run for not more than two years from their respective dates, and to bear interest at not exceeding 7 per cent per annum; provided that only such principal sum of such note or notes shall be issued as may be necessary to accomplish upon the terms set forth in ordering clause No. 2 herein the pledging of the \$12,500,000 face amount of Series B 6 per cent 20-year refunding and improvement mortgage gold bonds authorized to be issued by order of even date herewith in this proceeding.

2. That for the purpose of securing the notes authorized to be issued by ordering clause No. 1 herein and [or] such other notes as shall run for less than one year, the Erie Railroad Company is hereby authorized to pledge \$12,500,000 face amount of its Series B 6 per cent 20-year refunding and improvement mortgage gold bonds, authorized to be issued by order of even date herewith in this proceeding as collateral security for its notes upon the basis of not more than \$1500 face amount of said bonds for each \$1000 face amount of notes; provided that no notes issued upon the collateral security of the bonds herein authorized to be pledged shall bear interest at a greater rate than 7 per cent per annum.

3. That the proceeds of the notes herein authorized shall be used for the same purposes for which the proceeds of the Series B 6 per cent refunding and improvement mortgage gold bonds were directed to be used by order of even date herewith in this proceeding.

4. That the Erie Railroad Company shall within ten days after the issuance of each note so authorized and [or] for which bonds may be pledged under the authority contained herein file with this Commission a verified report which shall show the date, amount, term, and interest rate of each note so issued, and the face amount of bonds which have been pledged as collateral security therefor; and that in addition the Erie Railroad Company shall for each quarter ended September 30th and December 31st, March 31st and June 30th file, not more than thirty days after the end of such period, a verified report which shall show all of the notes which have been issued during such period and all of the terms thereof. Such ten-day and

quarterly reports shall continue to be filed until all of the bonds herein authorized to be pledged shall have been hypothecated.

5. That the Erie Railroad Company shall for each six months period ending December 31st and June 30th file, not more than thirty days from the end of such period a verified report which shall show the use which has been made of the proceeds of the notes which have been issued, and for which bonds have been pledged under the authority contained herein, such reports to be in the form and to contain the information required by subdivisions (f) and (g) of ordering clause No. 4 of the order of even date entered in this proceeding.

Such reports shall continue to be filed until all of the bonds the pledging of which is authorized herein have been hypothecated, and the proceeds of such pledgings expended and used in accordance with the authority contained herein, and if during any period no notes were issued or proceeds expended or used, the report shall set forth such fact.

6. That the authority contained in this order to issue notes is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and before any notes are issued pursuant hereto and within thirty days of the service hereof, the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president or vice-president, and secretary or assistant secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said notes herein authorized is reasonably required for the purposes described in this order and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6493]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of increases in passenger fares by CHAUTAUQUA TRACTION COMPANY.

Order to
show cause.

There having been filed with this Commission by Chautauqua Traction Company tariff entitled: Special Local Passenger Tariff P. S. C., 2 N. Y., No. 324, which shows increases in passenger fares effective June 10, 1918, and this action not being in accordance with sections 29, 30, and 33 of the Public Service Commissions Law, the company claiming that its railroad is under control of the federal government, but it not being clear that it is under such control,

Ordered: That said Chautauqua Traction Company shall show cause before this Commission at the office of the Commission No. 58 North Pearl street in the city of Albany on Tuesday, July 9, 1918, at 2:30 p. m., why it should not be proceeded against by this Commission under section 57, Public Service Commissions Law, for violation by it of said sections 29, 30, and 33 Public Service Commissions Law.

[Case No. 6494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of increases in passenger fares by JAMESTOWN, WESTFIELD AND NORTHWESTERN RAILROAD COMPANY.

Order
to show
cause.

There having been filed with this Commission by Jamestown, Westfield and Northwestern Railroad Company tariffs entitled: Special Local Passenger Tariff P. S. C., 2 N. Y., No. 134; Special Local and Joint Passenger Tariff P. S. C., 2 N. Y., No. 135, which show increases in passenger fares effective June 10, 1918, and this action not being in accordance with sections 29, 30, and 33 of the Public Service Commissions Law, the company claiming that its railroad is under control of the federal government, but it not being clear that it is under such control,

Ordered: That said Jamestown, Westfield and Northwestern Railroad Company shall show cause before this Commission at the office of the Commission No. 58 North Pearl street in the city of Albany on Tuesday, July 9, 1918, at 2:30 p. m., why it should not be proceeded against by this Commission under section 57, Public Service Commissions Law, for violation by it of said sections 29, 30, and 33, Public Service Commissions Law.

[Case No. 5770]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK LEVINE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY in regard to "New York Central Railroad Equipment Trust of 1917".

Amendatory
order.

Petition filed November 4, 1916; report of division of steam railroads dated December 1, 1916; hearing held December 27, 1916; report of division of capitalization dated December 28, 1916; order entered December 28, 1916; supplemental petition filed May 22, 1917; hearing held May 25, 1917; report of division of steam railroads dated June 7, 1917; report of division of capitalization dated June 7, 1917; order entered June 12, 1917; supplemental petition (letter) filed June 12, 1918; order entered June 18, 1918; supplemental petition (letter) filed July 3, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order entered herein under date of December 28, 1916, as supplemented and amended by order entered the 12th day of June, 1917, is hereby modified and amended in such manner as to permit The New York Central Railroad Company to sell the \$8,550,000 face value of its fifteen year 4½ per cent Equipment Trust Certificates of 1917 therein authorized to be issued, for not less than 89½ per cent of their face value to give

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- net proceeds of at least \$7,652,250, which proceeds shall be used solely for the purposes set forth in said supplemental and amendatory order of June 12, 1917.

2. That in all other respects the terms and conditions of said orders of December 28, 1916, and June 12, 1917, shall remain in full force and effect.

[Case No. 5269]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the EMPIRE UNITED RAILWAYS, INC., for leave to merge the Monroe County Electric Belt Line Company.

An order having been entered herein on the 28th day of October, 1915, permitting the Empire United Railways, Inc., to merge the Monroe County Electric Belt Line Company under section 15, Stock Corporation Law; and it appearing by the petition of the Rochester and Syracuse Railroad Company, Inc., filed on the 27th day of June, 1918, that subsequent to the making of the said order a receiver was appointed of said Empire United Railways, Inc., and that the said proposed merger was never consummated and no certificate of merger ever filed in the office of the Secretary of State, and that thereafter in a proceeding brought by the Columbia Trust Company of New York as trustee, for the mortgage bondholders of the Rochester, Syracuse and Eastern Railroad Company to foreclose a mortgage, it was adjudged that the property claimed to be owned by the Monroe County Electric Belt Line Company was actually the property of the Rochester, Syracuse and Eastern Railroad Company and subject to lien of the mortgage, and that thereafter said property was sold pursuant to the judgment in such foreclosure action entered July 3, 1917, and purchased by the Rochester and Syracuse Railroad Company; and said petitioner having prayed for a vacation of the order granted October 28, 1915, permitting the merger of the Empire United Railways, Inc., with the Monroe County Electric Belt Line Company; it is

Ordered: That the order heretofore made in this proceeding upon the 28th day of October, 1915, permitting the Empire United Railways, Inc., to merge the Monroe County Electric Belt Line Company be, and the same hereby is vacated and annulled, and the case closed upon the records of the Commission.

[Case No. 6304]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaints *against* THE PAVILION
NATURAL GAS COMPANY.

The issues formed by the complaints and answer in the above entitled proceeding having come on to be heard before Commissioner Barhite at the city of Rochester on the 3rd and the 12th days of January, the 9th day of February, the 23rd day of March, the 20th day of April, and the 4th day of May, 1918, and upon the various dates on which said hearings were had, appearances by the interested parties were had as follows: C. Walter Daggs, esq., and Hon. James M. E. O'Grady, attorneys for The Pavilion Natural Gas Company; Hon. Arthur E. Sutherland, attorney for the Village of Perry; William F. Huyek, esq., attorney for the Village of LeRoy; Hon. James E. Norton, attorney for the Village of Warsaw; A. C. Olp, esq., attorney for the Village of Mount Morris; O. C. Lake, esq., for Ewart and Lake, Groveland, N. Y.; W. P. Randall, esq., for Clement, McDowell and Pierson, and Ewart and Lake; B. B. Conable, esq., attorney for the Warsaw Wilkinson Co.; C. W. Gamble, esq., attorney for the Village of Moscow, and Hon. Daniel J. Kenefick, attorney for the Tri-County Natural Gas Company; and it appearing to this Commission from an examination of the questions involved, and from the evidence that The Pavilion Natural Gas Company does not and can not furnish a sufficient supply of natural gas to its customers in the territory served by it during the winter months, and that said territory is dependent upon said company for its supply of gas, and that much inconvenience, suffering, and danger to the health and the lives of the customers of said company are caused by the inability of said company to furnish the necessary amount of gas with adequate and proper pressure, and that it is necessary to restrict the use of gas furnished by said company during the winter months for the purpose of conserving the supply for domestic customers.

Ordered: That all customers of The Pavilion Natural Gas Company in the territory served by it be and the same are hereby divided into two general classes to be known as "domestic consumers" and "industrial consumers"; that domestic consumers shall include the users of natural gas for heating, lighting, and cooking in private houses, boarding houses, and apartment houses; and users of natural gas for lighting and cooking only in hotels, restaurants, bakeries, eating houses, club houses, hospitals, and charitable institutions; that all other consumers shall be known as "industrial consumers". That from and including the 1st day of December in each and every year until and including the 31st day of March in the succeeding year, no natural gas shall be furnished by The Pavilion Natural Gas Company to any industrial consumers for any purpose without the special permission of this Commission, except as hereinafter specified and excepted.

Further Ordered: That from and including the 1st day of December in each and every year until and including the 31st day of March in the succeeding year no domestic consumer shall be permitted to use more than twenty-five thousand cubic feet of natural gas in any one month counting any thirty successive days during the period above named as one month, nor more than a corresponding part of said twenty-five thousand cubic feet for a proportionate part of said thirty days, and no domestic customer shall be permitted to use gas in a furnace not originally constructed for the use of

gas, and said The Pavilion Natural Gas Company is hereby directed to discontinue all service to any customer who neglects or refuses to obey this order.

That The Pavilion Natural Gas Company shall attach to its pipes before the 1st day of December, 1918, within the district served by it, such a number of self registering pressure gauges as this Commission shall direct and determine, and said gauges shall be attached at such points and in such manner as this Commission shall hereafter direct. Each of said gauges shall be under the control of this Commission and access shall only be had to said gauges by such persons as shall hereafter be named by this Commission. Charts shall be taken from each of said gauges during the four months herein named by said company or by such person as may be named by the Commission at such regular intervals as may be directed by the Commission, and such charts shall be immediately filed as directed by the Commission.

That the standard pressure to be maintained in the service pipes of all customers of said The Pavilion Natural Gas Company shall be at least four ounces per square inch.

That the provisions of this order shall not apply to any customer of The Pavilion Natural Gas Company or the Tri-County Natural Gas Company who shall be engaged in any business deemed essential by the United States Government for its use in the conduct of the war in which the Government is now engaged and in which business the Government of the United States deems the use of natural gas to be necessary.

Further Ordered: That The Pavilion Natural Gas Company and the Tri-County Natural Gas Company shall on or before the 1st day of August, 1918, notify all of their customers of the provisions of this order by publishing a copy thereof at least once in two newspapers published in the district served by said companies, and by serving a copy thereof either personally or by mail upon all industrial consumers; that said publication in said newspapers shall be made by The Pavilion Natural Gas Company, and said The Pavilion Natural Gas Company and the Tri-County Natural Gas Company shall each serve a copy of this order upon the industrial consumers respectively served by them.

That the provisions of this order shall apply to the Tri-County Natural Gas Company as well as to The Pavilion Natural Gas Company, and that said Tri-County Natural Gas Company shall observe and conform to all the provisions of this order applicable to it.

Further Ordered: That The Pavilion Natural Gas Company and the Tri-County Natural Gas Company shall each within ten days after the receipt by it of a copy of this order notify the Commission whether or not the terms of this order are accepted and will be obeyed.

[Case No. 6322]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 9th day of
July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of CRYSTAL CITY GAS COMPANY under section
68, Public Service Commissions Law, for permission
to construct a gas plant in the incorporated village
of Painted Post, and for approval of a franchise
therefor.

The Crystal City Gas Company seeks permission to construct a natural gas system in the village of Painted Post, and for approval by the Commission of the exercise of a franchise for that purpose granted by said village. The Crystal City Gas Company is a distributing company operating in the city and the village of Corning. It purchases its gas at the city limits from the Potter Gas Company, a producing corporation, organized and operating in the state of Pennsylvania. The Potter Company also supplies gas to the Elmira Water, Light and Railroad Company for distribution in the city of Elmira and to a distributing company operating in the village of Addison. It is a matter of common knowledge that the supply of natural gas is rapidly diminishing. There is constant complaint that the gas supply in Elmira is inadequate. In the past the inadequacy has been felt only in the winter months, but the Commission is in possession of evidence showing that the supply was inadequate in the month of May, 1918. In another case, No. 6340, the evidence offered by the petitioner in this case disclosed that at times the supply is inadequate in the city of Corning. The city of Corning and the city of Elmira have enjoyed the use of natural gas for years. The time is undoubtedly coming when the supply will be exhausted. In the meantime the communities already enjoying the service should not have their supply, meager as it is already, further diminished by extension into communities which have not had natural gas and which would not have it long if the extension were permitted. It is therefore

Ordered: That the petition be, and the same hereby is, denied.

[Case No. 6340]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 9th day of
July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint under sections 71 and
72, Public Service Commissions Law, of GEORGE W.
LANE, as Mayor of Corning, *against* CRYSTAL CITY
GAS COMPANY as to proposed increase in price of
natural gas furnished customers.

Upon the facts found and for the reasons stated in the accompanying
opinion, it is

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Ordered: 1. That the Crystal City Gas Company cancel on five days' notice to the public and the Commission its tariff Service Classification on No. 4, 2nd Revised Leaf No. 9 to General Schedules for Gas P. S. C., 2 N. Y., No. 1, March 1, 1918, and on like notice that it restore the rates in force prior to the effective date of said tariff.

2. That it notify the Commission within ten days after the service of this order as to its acceptance thereof.

3. This order is without prejudice to the filing of higher tariffs in the future in case the Crystal City Gas Company shall discontinue the sale of gas for manufacturing purposes, and in case further after three months' experience, with such sale eliminated, the company shall find that an increase is essential in order to enable it to earn a fair return on the value of its property used in the public service.

[Case No. 6456]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of JEROME SCOTT under chapter 667, Laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Oswego (it being proposed that the route shall also be operated to the incorporated village of Fair Haven, Cayuga county).

Jerome Scott asks for a certificate of convenience and necessity for the operation of an automobile bus line over certain streets in the city of Oswego, it being proposed that the route shall be operated over the state road to the incorporated village of Fair Haven, Cayuga county, New York. The consent of the municipal authorities of the City of Oswego was granted May 20, 1918. A public hearing was held in the city of Syracuse on the 15th day of June, 1918, at which there was no appearance for the petitioner; but Nottingham and Nottingham appeared for the Empire State Railroad Corporation, but made no objection to the granting of the certificate, provided the order contained a condition that no passengers be carried locally within the city of Oswego, and the petitioner having duly filed a statement that he has no intention or desire to carry passengers locally within the city of Oswego, and his consent that the order of the Commission granting the certificate may contain a condition that no passengers will be carried locally in the city of Oswego, and no other appearances having been had at such hearing; and it appearing from the petition that the petitioner has complied with all the conditions precedent, imposed either by ordinance or by the consent of the municipal authorities, and that there is considerable travel between the points covered by this route, and at present there is practically no means of communication by way of common carrier excepting the Rome, Watertown and Ogdensburg railroad; now therefore, this Commission hereby certifies that public convenience and necessity require the operation by Jerome Scott of a stage route by auto buses as provided in the consent heretofore granted by the Mayor and Common Council of the City of Oswego, copy of which is attached to the petition herein, along Bridge street in said city of Oswego, to be operated only as a part of a

line from the city of Oswego along the State road to the incorporated village of Fair Haven, Cayuga county, but not to carry passengers locally from one point to another within said city of Oswego. This certificate is granted subject to all the terms and conditions of the consent hereinbefore mentioned and subject to present and future ordinances of the City of Oswego and to the provisions of all statutes and requirements of the State of New York, which may be applicable thereto, and is not assignable without the consent of this Commission.

[Case No. 6466]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of CENTRAL NEW YORK SOUTHERN RAILROAD CORPORATION under section 89 of the Railroad Law for a determination of how a portion of its railroad to be constructed shall cross North Cayuga street in the town of Ithaca, Tompkins county.

By an amendatory order dated July 14, 1914, in case No. 4269, this Commission granted a certificate of public convenience and a necessity to the petitioning corporation under section 9 of the Railroad Law for the construction and operation of a steam railroad from a connection with the New York Central and Hudson River railroad in the city of Auburn to a connection with the Delaware, Lackawanna and Western railroad in the city of Ithaca. In order to make the last named connection, the petitioner proposes to construct a single-track extension of its railroad, beginning near the southerly terminus of the former New York, Auburn and Lansing railroad, thence approximately on the route originally planned to a connection with the Auburn and Ithaca branch of the Lehigh Valley railroad which in turn has physical connection with the Delaware, Lackawanna and Western. Petitioner will operate over the Lehigh Valley tracks. The proposed extension will cross a highway in the town of Ithaca known as North Cayuga street extended, and the petitioner has come before the Commission under section 89 of the Railroad Law for a determination as to the manner in which said crossing shall be made. At a hearing upon said petition held in the city of Ithaca on June 22, 1918, there appeared Charles E. Hotchkiss for the petitioner; D. F. Van Vliet, Herman Bergholtz, and W. J. Bates for the Bergholtz Realty Company; and E. A. Dahmen for the State Department of Highways. Due proof of publication of the notice of the hearing was filed; and there was submitted in evidence a certified copy of the order of the Supreme Court dated 8th day of January, 1918, under section 21 of the Railroad Law, permitting the petitioner to cross North Cayuga street extended in the town of Ithaca.

It is proposed to cross the highway at grade, the location of the crossing being about 950 feet southwesterly from the point where the petitioner's railroad crosses the Lake Road on an overhead bridge, and about 2400 feet north of the northerly corporation line of the City of Ithaca, the last mentioned distance being given incorrectly as 1200 feet both in the petition and in the order of the Supreme Court, due to an error in making the scale on accompanying map. Due to the swampy condition of the surrounding land an under-crossing would be impossible; and an overhead crossing could

only be made at an expense that would be prohibitive, especially during the period of war economy. At the point of crossing, the proposed grade of railroad will be about two feet above the present grade of North Cayuga street, and the petitioning corporation proposes to raise the grade of the street to the level of the railroad with easy gradient on both north and south sides, to re-surface the street, and to surface the actual crossing with concrete between the rails and two feet outside thereof for a distance equal to the width of the roadway, all in a manner satisfactory to the Superintendent of Highways of the Town of Ithaca. It appears from testimony at the hearing that North Cayuga street north of the corporation line is at present but little used, as almost all of the traffic to and from the lake shore goes by way of the Lake Road, an improved highway which runs approximately parallel to and about 500 feet east of North Cayuga street. The view both north and south of the proposed crossing is practically unobstructed. Upon consideration, it is determined that it is impracticable for the proposed crossing to be made otherwise than at grade, and it is therefore

Ordered: That the said single-track extension of the petitioner's railroad shall cross North Cayuga street, in the town of Ithaca, at grade; and that the surface of the highway shall be raised to the proposed level of the railroad; all work in connection therewith to be done in a manner satisfactory to the Superintendent of Highways of the Town of Ithaca, and all at the expense of the Central New York Southern Railroad Corporation.

[Case No. 6471]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of HORSEHEADS TRANSPORTATION PROTECTIVE ASSOCIATION, ET AL., against ELMIRA WATER, LIGHT AND RAILROAD COMPANY as to proposed increased fare.

Amendatory
order.

This Commission on June 19, 1918, entered an order suspending until the 20th day of July, 1918, the operation of certain passenger tariffs and deferring the use of the fares, charges, regulations, and practices set forth in the schedules contained in such tariffs described as follows: Elmira Water, Light and Railroad Company Passenger Tariffs P. S. C., 2 N. Y., Nos. 5 and 6. A hearing thereon was held at the courthouse in the city of Elmira on June 24, 1918, at which it was proposed by the respondent railroad company that the proposed fares, charges, regulations, and practices set forth in schedules contained in the described passenger tariff P. S. C., 2 N. Y., No. 6 to apply to passenger traffic transported between Horseheads, N. Y., and Watkins, N. Y., and points intermediate be allowed to go into effect without prejudice to any complaints against such fares, charges, regulations, and practices which may hereafter be made to the Commission, and no objection being made, it is

Ordered: That the said order of suspension of date June 19, 1918, so far as it relates to Elmira Water, Light and Railroad Company's passenger tariff P. S. C., 2 N. Y., No. 6, and the schedules containing the proposed

fares, charges, regulations, and practices to apply to passenger traffic transported between Horseheads, N. Y., and Watkins, N. Y., and intermediate points, be and is hereby vacated and set aside as of July 14, 1918, but otherwise said order is to remain in full force and effect.

[Case No. 6510]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 9th day of
July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of service furnished by CENTRAL HUDSON
GAS AND ELECTRIC COMPANY under its "Optional
Service" rate for electricity.

Order
to show
cause.

It appearing from correspondence had by the Commission with Central Hudson Gas and Electric Company in regard to rates charged Pioneer Pearl Button Company of Poughkeepsie, that the Central Hudson Company has discontinued service to certain customers formerly supplied under its "Optional Service" rate but does not intend to discontinue all service under that classification;

Ordered: That Central Hudson Gas and Electric Company be, and it hereby is, ordered to appear before this Commission at 58 North Pearl street, Albany, N. Y., on July 23, 1918, at 2:30 p. m., and show cause why its actions in this matter should not be judged discriminatory and unlawful, and why it should not be ordered to either cancel its classification No. 8, P. S. C., 2 N. Y., No. 3 or to furnish service under that classification to all consumers applying therefor who may be entitled to such service, and why such other action as may be just and proper should not be taken by this Commission.

[Case No. 4820]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the WESTERN NEW
YORK AND PENNSYLVANIA TRACTION COMPANY under
section 55 of the Public Service Commissions Law
for authority to issue additional of its first and
refunding mortgage bonds (\$102,000).

Application filed March 1, 1915; supplemental application filed March 22, 1915; report of division of capitalization dated May 20, 1915; reports of transportation engineer dated June 30, and August 10, 1915; final report of division of capitalization dated August 28, 1915; order entered December 28, 1915; allocation of fixed capital of company dated December 31, 1917; report of division of capitalization dated May 20, 1918; modification of

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original allocation (letter from company) filed July 8, 1918; report of division of capitalization dated July 8, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the allocation of fixed capital submitted by the Western New York and Pennsylvania Traction Company as modified by statement submitted under date of July 8, 1918, which will accomplish the distribution of the company's fixed capital at December 31, 1917, among the following subaccounts:

Right of way.....	\$199,800.00
Other street railways lands.....	41,750.00
Organization	150,500.00
Other intangible street railroad capital.....	1,022,074.84
Grading	657,285.19
Ballast	255,423.28
Ties	199,077.65
Rail fastenings and joints.....	392,662.58
Special work.....	54,853.97
Track laying and surfacing.....	214,064.80
Paving	175,080.06
Roadway tools	650.00
Bridges and culverts.....	154,564.70
Fences and signs.....	23,011.25
Signals	3,772.07
Telephone	3,940.18
Poles and fixtures.....	102,318.08
Transmission system	38,457.45
Distribution system.....	228,542.95
Power plant buildings.....	36,500.00
Substation building.....	16,898.00
General office equipment.....	2,692.22
Shops and car houses.....	59,642.00
Waiting room and miscellaneous buildings.....	3,883.00
Park and resort properties.....	26,846.43
Furnaces and boilers.....	7,000.00
Steam engines	5,940.00
Gas power equipment.....	93,669.60
Power plant electric equipment.....	52,221.00
Miscellaneous power plant equipment.....	3,845.00
Substation equipment	70,135.00
Shop equipment.....	11,713.05
Revenue cars.....	139,258.00
Electric equipment of cars.....	104,368.00
Other rail equipment.....	12,390.00
Miscellaneous equipment.....	11,087.00
Engineering and superintendence.....	198,072.66
Law expense during construction.....	50,000.00
Miscellaneous construction expenditures.....	21,400.00
Interest during construction.....	244,018.63
Total	\$5,068,403.64

is hereby approved and the company is authorized and directed to spread the amount of the same upon its books among the above mentioned accounts; provided that this approval and authorization to spread the results of this allocation upon the company's books are conditioned upon the carrying out by the company of its voluntary offer to reduce the item of "Other Intangible Street Railroad Capital" to the extent of \$1,000,000 by the cancellation of that par amount of its common capital stock.

2. That within thirty days from the date of this order the Western New York and Pennsylvania Traction Company shall file with this Commission a statement verified by its president and by its principal accounting officer showing that the allocation has been so spread upon its books, together with detailed copies of the journal entries accomplishing this result and that all necessary and proper measures have been taken to accomplish the cancellation of its common capital stock in the total par amount of \$1,000,000.

3. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and that within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

[Case No. 6095]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of **POUGHKEEPSIE AND
WAPPINGERS FALLS RAILWAY COMPANY** (formerly
Poughkeepsie City and Wappingers Falls Electric
Railway Company), under subdivision 1, section 49,
Public Service Commissions Law, for permission to
increase passenger fares.

Suspension of portion of tariff on Commission's initiative.

Appearances: H. C. Hopson, Joseph K. Choate, C. A. Brooks for Pough-
keepsie and Wappingers Falls Railway Company; Thomas A. Lavery for
Village of Wappingers Falls; Ronald Bogle for himself and others; George
Worrall, attorney City of Poughkeepsie; Joseph Lyons, George Booth, and
Peter J. McDonald; Folger & Rockwood for National Aniline Chemical
Company. In an order of this Commission of the 6th of June, 1918, in the
above matter, it is provided "that this order shall not affect in any way
the present practice of said company as to transfers, school tickets, or other
reduced rate tickets"; subsequently the company filed with this Com-
mission a tariff, a portion of which proposed to be effective July 16, 1918,
shows increases in the price of school tickets and special calendar month
commutation ticket books; and Chairman Hill of this Commission on July
8th, in the city of Poughkeepsie held a hearing on said proposed increases,
at which those named above appeared; and this Commission being satisfied
that pending its determination of the reasonableness of said proposed increases
that portion of the tariff naming them should be suspended, it is

Ordered: 1. That said portion of the tariff described as Poughkeepsie and
Wappingers Falls Railway Company Local Passenger Tariff P. S. C., 2 N. Y.,
No. 4, which proposes to increase the price of school tickets and special
calendar month commutation ticket books above the present price is hereby
suspended, and the use of said proposed increased price tickets is hereby
deferred until and including August 16, 1918.

Ordered: 2. That said Poughkeepsie and Wappingers Falls Railway Com-
pany shall publish and file a proper tariff amendment containing notice of
this suspension in accordance with Rule 33 (i), Circular No. 68.

[Case No. 6334]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the **EMPIRE STATE RAILROAD CORPORA-
TION'S Proposed New Local and Joint Passenger
Tariff P. S. C., 2 N. Y., No. 6.**

The Empire State Railroad Corporation having filed with this Commission
on July 2, 1918, a schedule designated as Local and Joint Passenger Tariff

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P. S. C., 2 N. Y., No. 6, of proposed effective date August 1, 1918, intended to supersede its passenger fare schedule P. S. C., 2 N. Y., No. 3 at present in force, said new tariff containing increases in certain fares contained in its said passenger fare schedule P. S. C., 2 N. Y., No. 3 and containing also certain apparent unjustly discriminatory regulations affecting the sale of passenger transportation; and it appearing that certain fares contained in said passenger fare schedule P. S. C., 2 N. Y., No. 3 are now the subject of complaint pending before and undecided by the Commission in a proceeding entitled "In the matter of the Complaint of the Mayor and Common Council of Oswego against Empire State Railroad Corporation" (case No. 6334) and which are proposed to be increased under authority of said passenger tariff P. S. C., 2 N. Y., No. 6; and this Commission being of the opinion that it should on its own initiative enter upon a hearing concerning the propriety of the proposed increased fares and amended regulations, and that pending hearing and decision said Local and Joint Passenger Tariff P. S. C., 2 N. Y., No. 6 should be suspended, it is

Ordered: That the operation of the Empire State Railroad Corporation's said Local and Joint Passenger Tariff P. S. C., 2 N. Y., No. 6 be and is hereby suspended for a period of sixty days from and including August 1, 1918, to wit, until September 30, 1918, and that the putting in effect of such increased fares and amended regulations contained in said tariff be and is hereby deferred for the same period unless this Commission in the meantime supersedes or modifies this order.

Further Ordered: That a copy of this order shall be filed with the Commission's copy of said Empire State Railroad Corporation's Local and Joint Passenger Tariff P. S. C., 2 N. Y., No. 6, and that said railroad corporation shall publish, post, and file a proper supplement to said last named tariff giving due notice of this suspension.

Further Ordered: That the Empire State Railroad Corporation shall appear before this Commission at its office, No. 58 North Pearl street in the city of Albany on Wednesday, July 24, 1918, at 10 o'clock a. m., prepared to submit evidence tended to justify the reasonableness and necessity of such increased fares and amended regulations and such other information as may be required by the Commission.

[Case No. 6432]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the TOWN OF HARMONY, Chautauqua county, against ERIE RAILROAD COMPANY as to repair of certain bridges carrying highways over its railroad.

Appearances: Ottaway & Munson, attorneys complainant; M. B. Pierce, attorney Erie Railroad Company. After hearing and due consideration, and for the reasons given in Opinion of this Commission of this date, it is

Ordered: That this complaint is hereby dismissed and the case closed on the records of the Commission.

[Case No. 6465]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of J. O. and G. N. ROWE of Oneonta *against* NATIONAL EXPRESS COMPANY, asking for pick-up service for the 7:20 a. m. train on the Ulster and Delaware railroad.

The complaint in this case relates to the pick-up service of the National Express Company. A hearing was held at the city of Albany on the 27th day of June, 1918, at which the complainants were represented by Mr. O. B. Rowe, and the express company by Mr. C. S. Colvin. At the hearing the following facts appeared: the complainants are wholesale grocers at Oneonta and desire to ship by the 7:20 a. m. train out of Oneonta on the Ulster and Delaware railroad. The express company recently put into operation a rule, not only at Oneonta but universally throughout the system, limiting its pick-up and delivery service to the hours between 7 a. m. and 5 p. m.; the effect of this at that particular point is that in case of perishable goods, such as strawberries and peaches which must be kept in cold storage until the last moment before shipment, the service will not permit of the goods being picked up in time to be shipped on this early morning train, and as the only other train on that road leaves in the middle of the afternoon, too late to admit of its use for such shipment, the practical result is that the complainants can not ship perishable products upon that road unless they deliver them at the office of the express company in time for shipment upon that train; complainant's place of business is located about one thousand feet from the express company's office, and the company promises that if goods intended for that early morning train are delivered at its office at 6:45 a. m. they will be taken care of. Complainants have delivery teams which customarily report at 7 a. m., and other employees must necessarily report at an early hour to get the perishable goods out of cold storage and in condition to ship. If the express company gives pick-up service in the morning to this particular shipper in time for shipment by this train, it must also furnish the same to all other shippers at that place, and must furnish the service to all shippers at other places where the same circumstances exist, which would cause an undue extension of the hours of labor of its employees and impose an unreasonable burden upon the express company. The needs of this particular shipper would be fully met by the use of his own delivery teams but a few minutes earlier each morning during the season when he is handling these perishable products. Upon this statement of facts it does not appear that the regulation adopted by the express company has been shown to be unreasonable. Therefore it is

Ordered: That the complaint herein be dismissed and the case closed upon the records of the Commission.

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[Case No. 6493]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of increases in passenger fares by CHAUTAUQUA TRACTION COMPANY.

In the matter of this proceeding the Chautauqua Traction Company appearing before the Commission at its office, 58 North Pearl street in the city of Albany on Tuesday, July 9, 1918, at 2:30 p. m., and good cause being shown as to why the schedules of passenger fares contained in its Special Local Passenger Tariff P. S. C., 2 N. Y., No. 324 were made effective June 10, 1918, it is

Ordered: That the said Chautauqua Traction Company be and it is hereby authorized to restore into effect on one day's notice the schedules of fares which were in effect prior to June 10, 1918, the passenger tariff containing such schedules to be filed with the Commission on or before July 20, 1918, and to bear the following notation on title page: "Issued under authority of order of the Public Service Commission, Second District, State of New York, of date July 11, 1918, in case No. 6493.", and upon the filing of such restoration tariff this proceeding will be discontinued.

[Case No. 6494]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of increases in passenger fares by JAMESTOWN, WESTFIELD AND NORTHWESTERN RAILROAD COMPANY.

In the matter of this proceeding the Jamestown, Westfield and Northwestern Railroad Company appearing before the Commission at its office, 58 North Pearl street in the city of Albany on Tuesday, July 9, 1918, at 2:30 p. m., and good cause being shown as to why the schedules of passenger fares contained in its Special Local Passenger Tariff P. S. C., 2 N. Y., No. 134 and Special Local and Joint Passenger Tariff P. S. C., 2 N. Y., No. 135 were made effective June 10, 1918, it is

Ordered: That the said Jamestown, Westfield and Northwestern Railroad Company be and it is hereby authorized to restore into effect on one day's notice the schedules of fares which were in effect prior to June 10, 1918, the passenger tariffs containing such schedules to be filed with the Commission on or before July 20, 1918, and to bear the following notation on title page: "Issued under authority of order of the Public Service Commission, Second District, State of New York, of date July 11, 1918, in case No. 6494.", and upon the filing of such restoration tariffs this proceeding will be discontinued.

[Case No. 6429]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of FITZHUGH MCGREW against EMPIRE GAS AND ELECTRIC COMPANY as to proposed discontinuance of furnishing steam on South Main street, Geneva. This complaint has been withdrawn. Also Petition by the MAYOR OF GENEVA as to proposed discontinuance of the furnishing of steam on various streets in Geneva. This petition or complaint has been served.

Complaint having been filed herein on the 13th day of May, 1918, by the Mayor of the City of Geneva against the Empire Gas and Electric Company, objecting to the proposed abandonment by said company of the furnishing of steam for heating purposes on a portion of the territory served by it under its franchise in the city of Geneva, and the company having filed answer to the complaint on the 5th day of June, 1918, which states, among other things, that the said company since the filing of the complaint had surrendered to the City of Geneva all of its steam heating franchises, and proposed to discontinue the steam heating business entirely; and a hearing having been appointed upon said complaint, which said hearing was postponed at the request of the complainant; and the complainant having filed with the Commission a statement that, owing to a change of circumstances and pursuant to a resolution of the common council, he withdraws his complaint in this proceeding, it is

Ordered: That the request of the complainant to withdraw his complaint be and it hereby is granted, and the case closed upon the records of the Commission.

[Case No. 6469]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the PRESIDENT OF THE VILLAGE OF NEWARK, Wayne county, against WAYNE TELEPHONE COMPANY as to increase in rates.

After this complaint was served and before answer was due a letter was filed with the Commission signed by the president of the Village of Newark and the attorney for the Village of Newark to the following effect: "This is to advise you that the complaint filed by the Village of Newark, New York, in the above entitled proceeding, is hereby withdrawn in all respects." Therefore it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

324 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6471]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of HORSEHEADS TRANSPORTATION PROTECTIVE ASSOCIATION, ET AL., *against* ELMIRA WATER, LIGHT AND RAILROAD COMPANY as to proposed increased fare. Second
amendatory
order.

This Commission by order of date June 19, 1918, suspended the operation of certain passenger tariffs filed to become effective June 20, 1918, designated as follows: Elmira Water, Light and Railroad Company Passenger Tariffs P. S. C., 2 N. Y., Nos. 5 and 6, and deferred the use of the fares, charges, regulations, and practices therein stated until July 20, 1918; and by an amendatory order of date July 9, 1918, said suspension order was vacated and set aside as of July 14, 1918, so far as it related to Elmira Water, Light and Railroad Company's passenger tariff P. S. C., 2 N. Y., No. 6, and the schedules containing the proposed fares, charges, regulations, and practices to apply to passenger traffic transported between Horseheads, N. Y., and Watkins, N. Y., and intermediate points.

It now appearing that the Commission can not complete its investigation within the period of the original suspension, namely, July 20, 1918, therefore, it is

Ordered: 1. That the operation of the Elmira Water, Light and Railroad Company's passenger tariffs P. S. C., 2 N. Y., No. 5, and P. S. C., 2 N. Y., No. 6 so far as the latter relates to the schedules containing proposed fares, charges, regulations, and practices to apply to passenger traffic transported between points other than Horseheads, N. Y., and Watkins, N. Y., and intermediate points, be and they are further suspended until August 19, 1918, and that the use of the fares, charges, regulations, and practices therein stated (except as otherwise provided herein) be and they are hereby deferred until August 19, 1918.

2. That a copy of this order be filed with said tariff publications in the office of this Commission, and that copy thereof be served on the Elmira Water, Light and Railroad Company, and said company be and it is hereby directed to publish and file with the Commission proper tariff amendments, containing notice hereof in accordance with the provisions of Rule 33 (i) of this Commission's Circular No. 68.

[Case No. 6485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 16th day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of SUBSCRIBERS AT
LAKE HUNTINGTON, Sullivan county, *against* WEST-
ERN SULLIVAN TELEPHONE AND TELEGRAPH COMPANY
as to proposed increase in rates; and as to service.

After this complaint was served and before answer was due, a letter was
filed with the Commission signed by D. G. Babcock, representing complainants,
as follows: "In reference to matter of complaint against Western Sullivan
Telephone and Telegraph Co., the petitioners beg leave to withdraw same at
this time. We having the positive assurance of better future service from
Mr. Hess, president of said company, and wanting to be fair and just to him
in these trying times take this action." Therefore it is

Ordered: That this case is hereby closed on the records of the Commission
as satisfied.

[Case No. 6310]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 18th day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COM-
PANY under section 91, Railroad Law, for an order
determining that the Ackers Road highway grade
crossing of said company's railroad near Millwood,
Westchester county, shall be closed and discontinued.

At a hearing on the above entitled matter, held by the Commission at White
Plains on June 14, 1918, it developed that one of the large adjoining property
owners, Major David M. Goodrich, was in service in the United States Army
in France and therefore unable to appear at the proceedings. The railroad
corporation, by letter dated July 12, 1918, from its chief engineer, has
informed the Commission that in view of the above mentioned circumstance,
it desires to withdraw its petition of December 27, 1917, with the under-
standing that at some later date the petitioner may again present the petition
asking for the closing of the Ackers Road grade crossing. It is therefore

Ordered: That the case be and it hereby is closed upon the records of this
Commission with the understanding that it may be reopened at some future
time without prejudice.

326 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6268]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of proposed recommendation to THE DELAWARE AND HUDSON COMPANY that a visual signal be installed at a crossing at grade of a highway on said company's railroad north of Unadilla, at which an accident occurred July 25, 1917.

An inspection made by the division of steam railroads of a grade crossing of a highway and the railroad tracks of The Delaware and Hudson Company south of the village of Unadilla disclosed what was deemed to be a dangerous condition. The installation of an automatic visible signal was recommended, but The Delaware and Hudson Company declined to comply with the recommendation. A hearing was thereupon held and it appeared that the chief source of danger was an advertising board near the crossing which at the same time obstructed the view and distracted attention. This sign board was beyond the control either of the Commission or the company, but the company procured its removal to a situation where the danger caused thereby was materially diminished. A recent inspection of the crossing under summer conditions discloses that the foliage on trees and shrubbery adjacent to the tracks obstructs the view to such an extent that, approaching on the highway in one direction, a train can not be seen until the vehicle is within twenty feet of the track. The crossing, therefore, is still unusually dangerous, but as the railroad is under operation by the Federal Government, it would be improper if not ineffectual to make any affirmative order in the premises at the present time. It is therefore

Ordered: That the case be closed on the records of the Commission, but that it may be reopened if necessary at a future time and that the Regional Director of Railroads be requested to examine into the matter with a view to the installation of a visible signal or other suitable protection.

[Case No. 6339]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of the COUNCIL OF THE CITY OF NEWBURGH and THE NEW YORK CENTRAL RAILROAD COMPANY under section 91 of the Railroad Law for an alteration in the manner in which South street crosses the tracks of the West Shore railroad (leased to and operated by The New York Central Railroad Company) in the city of Newburgh.

South street, an east and west thoroughfare in the city of Newburgh, terminating at the Hudson river crosses at grade the two main line tracks

of the West Shore railroad, located near the river bank. Largely by reason of the tortuous westerly approach and steep grades, the use of the crossing (now protected by gates and flagmen) by vehicles is negligible. A great many pedestrians, however, cross the tracks at this point. Especially is this true during the period when river transportation is carried on. On account of the dangerous crossing claimed to exist at this locality, the City of Newburgh and The New York Central Railroad Company (lessee of the West Shore railroad) have come to the Commission with a joint petition under section 91 of the Railroad Law, asking that the grade crossing be eliminated and that a subway for pedestrians only be constructed. It is proposed by the petitioners to apportion the entire cost of the project among themselves and to charge no part thereof upon the State, and for that reason they have entered into an agreement with each other specifying the portions of work, the cost of which is to be chargeable to the respective parties. Upon this petition a hearing after public notice as required by the statute duly given was held at Newburgh on March 22, 1918, due proof of publication of such notices and of personal service thereof upon property owners being of record. Jonathan D. Wilson, Henry Wilson, W. R. Perkins, B. E. Guernsey, John L. Sloan, R. W. Spencer, and John B. Corwin appeared for the City of Newburgh. William F. Cassidy and B. S. Voorhees appeared for The New York Central Railroad Company. This hearing developed no opposition to the proposed elimination, a plan for which, introduced in the evidence and marked "Applicant's Ex. No. 2", is favored by both the railroad company and the city. It also appears that a recreation pier has recently been erected by the city near the foot of South street, that this pier is used as a landing for many boats, and that the most direct route to the trolley line and to the business section of the city leads directly from this pier over the South street crossing.

Applicant's Exhibit No. 5, being a record of traffic on March 18, 19, and 20, 1918, when transportation on the river was not carried on, showed an average number of pedestrians of 216 for each day, crossing between the hours of 6 a. m. and 7 p. m. No vehicles and only one auto were reported as having crossed on any of these days, and the average number of train movements was 44, of which an average of 14 was passenger trains. The record further shows that all of the vehicular traffic in this vicinity bound toward the river crosses the tracks at Fifth street (the next street south), and that during the excursion season thousands of pedestrians use the South street crossing. The expense of this improvement has been estimated at about \$12,000. After due consideration the Commission has finally determined that the petition should be granted, and it is therefore

Ordered: 1. That the South street grade crossing of the West Shore railroad in the city of Newburgh shall be closed and discontinued, and travel diverted therefrom to the existing crossing at Fifth street and to an under-grade crossing, with approaches thereto, for pedestrians only, to be constructed within the existing limits of South street, all substantially as shown upon a print on file with this Commission, entitled "West Shore R. R., leased and operated by N. Y. C. R. R. Co., Buffalo and East, River Division. Proposed E. G. C. South street at Newburgh. Issue No. A, New York, Aug. 22, 1917.", this plan being the one heretofore referred to as "Applicant's Ex. No. 2". The subway shall be at least 7 feet wide and at least 7 feet, 6 inches in height, thoroughly waterproofed and drained if necessary; the length of the barrel to be such as to permit of the laying of an additional track by the railroad company. The westerly approach shall consist of stairways, one flight commencing at the westerly portal of the subway and running parallel to the axis of the barrel to a landing about 7 feet above the subway floor; the other flight beginning at a landing at this point with a direction at right angles to the subway, ascending a height of about thirteen feet, from which point there shall be a concrete ramp on about a 7½ per cent grade, which shall be carried to an intersection with the present easterly sidewalk at Water street. On the east side the approach shall consist of a ramp on about a 2 per cent grade, descending from the easterly portal toward the

water front a distance of approximately one hundred feet to an intersection with the present ground surface. This ramp shall be paved or otherwise improved, as may be determined by the City of Newburgh. Provision for concealed electric light wiring and suitable number of outlets shall be made; no part of the cost of wiring, boxes, lights, and connection to existing light circuit, the maintenance of such lighting facilities or the cost of lighting shall, however, be a charge upon the railroad corporation.

2. That in accordance with an agreement entered into by and between the petitioners herein, The New York Central Railroad Company shall construct at its own expense the pedestrian subway under its tracks, including in addition to all of the work embraced between the portals the easterly wing walls and the first flight of the stairways at the westerly approach, together with the retaining walls on either side thereof, to a line, marked "A B" on the plan herein referred to, and that the City of Newburgh shall construct at its own expense the easterly approach and all the remaining portion of the westerly approach lying between the above mentioned line "A B" and Water street. It is understood and hereby further determined that the entire subway, the wing walls on the easterly end, and the retaining walls on the westerly end for a distance of about 14 feet from the westerly portal shall be considered as that portion of the structure which, under section 93 of the Railroad Law, shall be maintained and kept in repair by the railroad company, and the maintenance of all other walls together with all stairways and walks as herein provided shall under the same section be considered as an obligation of the City of Newburgh.

In pursuance of the agreement set forth in the petition herein, The New York Central Railroad Company and the City of Newburgh shall assume, pay, and discharge the entire cost and expense of acquiring the necessary lands to carry out the improvement herein provided for, including the costs of any rights or easements necessary or required for the purpose of carrying out the provisions of this order and of any land or other damages whatsoever which may arise by virtue thereof. This order being granted upon the express condition that no financial liability or obligation whatsoever shall attach to or fall upon the State of New York on account of the acquisition of lands, rights, or easements necessary or required, construction work, or any other expenses whatsoever incidental to carrying out the provisions of this order, the acceptance of which by The New York Central Railroad Company and the City of Newburgh shall be deemed as an undertaking on their part to save the State of New York and this Commission harmless from all costs, expenses, claims, or demands whatsoever on account of this order and of any of the provisions thereof. This order is made with the understanding that on June 25, 1918, Hon. R. S. Lovett, National Director of the Division of Capital Expenditures, approved the application of The New York Central Railroad Company for its share of the expense of this elimination which amounts to \$14,000.

[Case No. 6493]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of increases in passenger fares by
CHAUTAUQUA TRACTION COMPANY.

The order of this Commission of July 11, 1918, in this matter having been complied with, it is

Ordered: That this case is hereby closed on the records of the Commission.

[Case No. 6494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of increases in passenger fares by
JAMESTOWN, WESTFIELD AND NORTHWESTERN RAIL-
ROAD COMPANY.

The order of this Commission of July 11, 1918, in this matter having been
complied with, it is

Ordered: That this case is hereby closed on the records of the Commission.

[Case No. 6518]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of tariff filed with this Commission by
FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD
COMPANY, described as P. S. C., 2 N. Y., No. 353,
effective August 1, 1918, Local and Interurban Pas-
senger Tariff.

There being filed with this Commission by Fonda, Johnstown and Glovers-
ville Railroad Company a tariff described as above, proposing increased fares
for passengers on both the steam and electric divisions of said company's
railroad, and certain regulations in respect to such fares, effective August 1,
1918,

Ordered: That Fonda, Johnstown and Gloversville Railroad Company
show cause before this Commission at its office No. 58 North Pearl street in
the city of Albany on Tuesday, July 30, 1918, at 2 o'clock p. m. why said
increased fares and said regulations should not be disallowed or suspended
pending further investigation.

330 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY.
Commissioners.

In the matter of the failure of the DELAWARE AND OTSEGO LIGHT AND POWER COMPANY to file schedules showing all its rates, charges, regulations, and practices.

Whereas this Commission by its order of December 29, 1914 (in case No. 1845), under and by virtue of the authority conferred upon it by the Public Service Commissions Law, required, as set forth in its Circular No. 65, electrical corporations engaged in the manufacture, sale, or distribution of electricity for light, heat, or power, subject to the supervision of the Commission to publish and file schedules showing all rates and charges made, established, or enforced, and all rules and regulations relating to rates, charges, or service used or to be used, and all general privileges and facilities granted or allowed applying generally throughout the territory served;

And whereas the Delaware and Otsego Light and Power Company has filed with this Commission its General Schedule for Electricity, P. S. C., 2 N. Y., No. 1, effective December 1, 1915, applying in the villages of Franklin and Otego, N. Y., which schedule the said company admits does not show all its rates and charges made and enforced, nor all rules and regulations relating to rates, charges, or service within the territory named, and the company having failed upon request of the Commission to amend its schedule and bring it into conformity with the requirements of the Commission, it is

Ordered: That the Delaware and Otsego Light and Power Company be and it is hereby directed to appear at the office of the Commission, No. 58 North Pearl street, in the city of Albany, N. Y., on Thursday, August 1, 1918, at 2:30 o'clock p. m., and show cause why the Commission should not take action to compel compliance with its tariff regulations.

[Case No. 6075]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of July, 1918.

Present:

FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of CORNING AND PAINTED POST STREET RAILWAY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

The Corning and Painted Post Street Railway having presented a petition on the 25th day of June, 1917, asking that the Commission determine that the rate of fare or charge to be received by it within the limits of the cities and incorporated villages shall be six cents per passenger, and for other relief; and a hearing having been held on the 18th day of April, 1918, upon

the question as to whether or not the application had been disposed of by the decision of the Court of Appeals in the Quinby case, at which hearing it appeared that there was a franchise limitation in the city of Corning, and also a franchise limitation in the village of Painted Post; and the railroad company, through its counsel, Stanchfield, Lovell, Falck and Sayles, having under date of July 23, 1918, requested permission to withdraw the petition, and no reason appearing why the withdrawal should not be permitted, it is

Ordered: That the request of the Corning and Painted Post Street Railway for permission to withdraw the petition filed herein be, and the same hereby is, granted and this case closed upon the records of the Commission.

[Case No. 6079]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of FISHKILL ELECTRIC RAILWAY COMPANY
under subdivision 1, section 49, Public Service Com-
missions Law, for permission to increase passenger
fares.

Upon the facts found, and for the reasons stated in the accompanying opinion, it is determined and stated that the present rates of fare charged by the Fishkill Electric Railway Company are unjust and unreasonable for the reason that they are insufficient to yield a fair return on the value of the property used in the public service, and that the just and reasonable rates are those hereinafter prescribed; and it is

Ordered: That the Fishkill Electric Railway Company be and it hereby is permitted to charge the following fares upon the road operated by it in the city of Beacon and extending to and into the village of Fishkill:

Cash Fares: Between any two points on the lines operated by this company west of Glenham switch (at Glenham Store), Glenham, N. Y., the cash fare for the transportation of a passenger on any single car or car making direct connection therewith is six cents. The cash fare for the transportation of a passenger between any two points east of Glenham is six cents.

Children: Children five years of age and under will be carried free when accompanied by an adult, except that not more than three children will be carried free with one adult fare. Unless adult fare is paid children will not be allowed to occupy seats to the exclusion of other paying passengers.

That such fares may be made effective upon five (5) days' notice to the public and the Commission, the tariff affecting such increase to be filed in accordance with the provisions of section 28 of the Public Service Commissions Law, and to bear the following notation: "Issued on five (5) days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date of July 25, 1918, in case No. 6079."

332 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6095]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the petition of **POUGHKEEPSIE AND WAPPINGERS FALLS RAILWAY COMPANY** (formerly Poughkeepsie City and Wappingers Falls Electric Railway Company) under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

Suspension of portion of tariff on Commission's initiative (Second).

Poughkeepsie and Wappingers Falls Railway Company having, under date of July 23, 1918, petitioned this Commission for permission to cancel that portion of its local passenger tariff P. S. C., 2 N. Y., No. 4, which is now under suspension until and including August 16, 1918, by order of this Commission of date July 11, 1918, in this case, and which proposes to increase the price of school tickets and special calendar month commutation ticket books, it is

Ordered: 1. That the petition be granted and the Poughkeepsie and Wappingers Falls Railway Company be and is hereby authorized to amend, on not less than ten days' notice, and effective with the commencement of business August 17, 1918, its passenger tariff P. S. C., 2 N. Y., No. 4, and provide therein for the continuance of the rates, charges, and rules, regulations, and practices governing the sale and use of school tickets and special calendar month commutation ticket books, which are now in effect and contained in its passenger tariff P. S. C., 2 N. Y., No. 3.

Ordered: 2. That upon receipt by the Commission of the schedule herein authorized the order of suspension of date July 11, 1918, is hereby vacated and set aside with the close of business August 16, 1918.

[Case No. 6340]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day
of July, 1918.

Present:

FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint under sections 71 and 72, Public Service Commissions Law, of **GEORGE W. LANE**, as Mayor of Corning, *against* **CRYSTAL CITY GAS COMPANY** as to proposed increase in price of natural gas furnished customers.

It having been made to appear to the Commission that the respondent has reason to confer with officials of the United States Fuel Administration on matters affecting its attitude toward the order made herein July 9, 1918, it is

Ordered: That clause 2 of said order of July 9, 1918, be so amended that the respondent may notify the Commission on or before July 30th as to its acceptance of said order.

[Case No. 6442]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF WEST SENECA, Erie County, *against* THE NEW YORK CENTRAL RAILROAD COMPANY as to maintenance of roadway and sidewalk on a bridge and approaches thereto.

Appearances: William J. Doetsch for the town of West Seneca; Maurice C. Spratt for The New York Central Railroad Company.

On May 11, 1918, there was filed with this Commission by the Town Board and Board of Highway Superintendents of the Town of West Seneca, Erie county, a complaint against the New York Central Railroad (former Terminal Railway of Buffalo, which has been consolidated in the New York Central), asking this Commission to order said company to repair the roadway and sidewalk on the approaches to and on the bridge carrying Clinton street in said town over said company's railroad. A copy of this complaint was served on the company, and in its answer the company alleged that it was not its duty to make these repairs. Public hearings in this matter were held in the city of Buffalo by Chairman Hill on June 29th and July 15th, at which evidence and arguments were heard. From the evidence and papers in this case it appears that in 1907 the Terminal Railway wanted to enlarge its yard; after proper procedure the railroad commissioners determined, among other things, that the Clinton street crossing of said railway should be changed from grade and be carried over the railway on a bridge, and that "The Terminal Railway of Buffalo shall maintain the roadway and sidewalk on the said overhead bridge and said approaches thereto, irrespective of the provisions of section 64 (now 93) of the Railroad Law". This bridge was constructed and the completed work approved by this Commission under the statute. Joseph Best, a civil engineer employed by the town, and Frederick P. James, a civil engineer employed by the company, agreed, in their testimony in this present complaint, that the roadway on the easterly end of the west approach to this bridge has in places settled and should be brought back to surface, Mr. Best testifying that "the highway where it joins the approach has settled approximately a foot or fourteen inches at the brick pavement at the bridge . . . and further west of this hole there are two other settlements indicated in the pavement, probably three or four inches or probably six inches in depth," and that the settlement first mentioned extends the entire width of the pavement, and Mr. James testifying that "Just at the west end of the viaduct the brick pavement which is on an earth-fill has settled below the line of the roadway. I would say the settlement amounted to ten inches or a foot at the most. Then there is a place farther west on the approach where there is a slight settlement," and that the area of the settlement as given by Mr. Best is correct. The testimony as to the bad condition of the roadway is confined to the above, but of course, if bad conditions exist in other parts of the roadway or sidewalk this determination would apply there, too, and applies to bad conditions in the roadway and sidewalk which may occur in the future. Conditions being thus admitted, the only question for this Commission to determine is whose duty it is to make repairs. Under the circumstances stated by the board of railroad commissioners in its determination in respect to the construction of this bridge, as well as others in this vicinity (P. S. O.

annual report for 1907, pages 653 and 655), we think that Commission, in determining the duty should be on the railroad company, was within the law and exercised sound discretion; this Commission (P. S. C. annual report for 1909, page 308) refused to modify said provision; the railroad company built the bridge under said determination and should not now be heard to refuse to carry out one of the conditions. Various questions under said determinations have been passed upon by the courts (122 App. Div., 59 and 806; 192 N. Y., 534; 130 App. Div., 335; 195 N. Y., 562). It is the duty of this Commission, under section 96, Railroad Law (formerly section 67 changed in some respects), to enforce this determination of the board of railroad commissioners (section 120, Public Service Commissions Law), so this proceeding is properly before us. The Commission being satisfied that it is the duty of the railroad company to repair the specific parts of the roadway named in the testimony hereinabove quoted, and to, in the future, maintain all of the roadway and sidewalk on said overhead bridge and said approaches thereto, it is

Ordered: 1. That The New York Central Railroad Company shall begin within thirty days and complete with due diligence all repairs of the roadway and approaches of the bridge in question carrying Clinton street over its railroad in the town of West Seneca, Erie county, so as to bring the roadway on the approaches to substantially the original grade and surface lines thereof, and that said repair and maintenance shall be done in a manner satisfactory to this Commission, and that the entire cost of said repair and maintenance shall be borne by said railroad company.

Ordered: 2. That The New York Central Railroad Company shall, within ten days after the service upon it of a certified copy of this order, notify this Commission whether the terms of this order are accepted and will be obeyed by it, and if said company does not accept this order, or in case after acceptance it shall fail to observe the directions herein contained, counsel for the Commission is hereby directed to begin a proceeding in the courts to compel compliance with this order.

[Case No. 6444]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 30th day
of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of a schedule of passenger fares filed
by the UNITED TRACTION COMPANY with this Com-
mission May 2, 1918.

Second
suspension
order.

This Commission by order entered on the 21st day of May, 1918, suspended the effective date of local passenger tariff filed by the United Traction Company as its P. S. C., 2 N. Y., No. 11, and deferred the operation of the schedules of rates, fares, charges, rules, regulations, and practices contained therein until and including July 31, 1918. It now appearing that the Commission can not complete its investigation of the matters involved prior to July 31, 1918, it is

Ordered: 1. That the operation of said United Traction Company's local tariff of passenger fares P. S. C., 2 N. Y., No. 11 be and is hereby further suspended for a period of sixty days from and including July 31, 1918, until and including September 28, 1918, and the operation of schedules of rates, fares, charges, rules, regulations, and practices contained therein is hereby

deferred for the same period of time or until this Commission may otherwise order.

2. That a copy of this order be filed with the Commission's copy of said United Traction Company's tariff P. S. C., 2 N. Y., No. 11, and that the said United Traction Company shall publish, post, and file, in the manner prescribed by the Commission's Circular No. 68, a supplement to said tariff, stating the substance of this order of further suspension.

[Case No. 6463]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of July, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of EDWARD F. BRUSH, as Mayor of the City of Mount Vernon, under section 90, Railroad Law, for a determination of how Bronx street shall cross the New York and Harlem railroad (leased to and operated by The New York Central Railroad Company).

The Bronx Parkway Commission has established a swimming pool, an athletic field, and a baseball grounds on a portion of its property lying west of the tracks of the Harlem Division of The New York Central Railroad Company in the vicinity of Bronx street, city of Mount Vernon. Residents of that portion of Mount Vernon lying east of the aforesaid tracks have been accustomed to cross said tracks at other than public crossings, such public crossings being located at considerable distances north and south of the said Bronx street. This has been a source of great danger not only because of the trains operating on said tracks but also because the motive power on this portion of the railroad is chiefly electricity derived from a third rail located adjacent to the main running rails of each track. To eliminate this dangerous situation, the City of Mount Vernon and The New York Central Railroad Company have agreed that an overhead foot bridge shall be constructed over said tracks, and the City of Mount Vernon has therefore, by resolution of its common council passed May 18, 1918, approved by its mayor on May 20, 1918, extended Bronx street across the tracks of the Harlem Division of the New York Central railroad, due and proper notice of which proceeding was given to said railroad company.

The Mayor of the City of Mount Vernon by petition dated May 28, 1918, has asked for a determination under the provisions of section 90 of the Railroad Law as to the manner in which said extension of Bronx street shall cross the tracks of The New York Central Railroad Company. A hearing on said petition was held July 8, 1918, at which the following appeared: Alonzo C. Lowenstein for the City of Mount Vernon; George H. Walker and H. M. Bassett for The New York Central Railroad Company; L. G. Holleran for the Bronx Parkway Commission; and R. J. Secor, alderman, and chairman of the Committee on Railroads and Bridges of the Common Council of the City of Mount Vernon. Due proof of publication of notice of the hearing and of personal service of notice on all parties interested and a certified copy of the resolution of the Common Council of the City of Mount Vernon extending Bronx street were filed. A plan of a proposed overhead foot bridge was submitted in evidence and marked "Petitioner's Exhibit No. 2". This plan shows a stairway leading down from the westerly end of the bridge to the property of the Bronx Parkway Commission, a portion thereof being within the property of said Commission, It was deemed best to so design

this stairway, since if it were carried down wholly within the property of the New York Central railroad it would be directly under a high tension transmission line of said railroad company, which would introduce an element of great danger. It is therefore believed that the wisest and safest plan is to carry this stairway down to the property of the Bronx Parkway Commission as heretofore mentioned, and that the necessary easement or other right to make such construction should be secured from the Bronx Parkway Commission. An under-crossing at this point is not considered on account of the excessive cost of construction. After due deliberation, it is determined that an overhead crossing shall be made, and it is therefore

Ordered: 1. That Bronx street as extended shall cross the tracks of the Harlem Division of The New York Central Railroad Company by means of an overhead bridge; that for the present, construction shall be limited to a structure for pedestrians only, and in accordance with a plan filed with this Commission, entitled: "Proposed Foot Bridge, Bronx Street, Mt. Vernon, Office of Engineer of Structures, September 7, 1917." that the bridge shall have a clear span of about 171 feet, divided into three parts by steel supporting columns; that the minimum clear head room above the top rail of the tracks shall be 22 feet; that the framework of the bridge shall be of steel, and the flooring of wood; that the abutments and supporting columns shall be of steel carried on foundations of concrete; that the approach stairways shall be of wood; that the roadway on the bridge, and the approach stairways shall have a minimum clear width of 6 feet, and that they shall be protected on both sides by proper railings; that the easterly approach shall consist of two stairways projecting north and south at right angles to the axis of the bridge; that the westerly approach shall consist of a single stairway on a continuation of the axis of the bridge, extending on to the property of the Bronx Parkway Commission; that any other work not specifically herein mentioned which may be necessary to carry out the intent and purpose of this determination shall be included in the cost properly chargeable to this project.

2. That in accordance with section 94 of the Railroad Law the cost of the work herein ordered and provided for, including the cost of all lands, rights, and easements necessary or required, and of any land or other damages whatsoever which may arise by virtue thereof, and any and all costs of construction and expenses incidental thereto, shall be properly chargeable to the project, and shall be payable as follows: 50 per cent by The New York Central Railroad Company and 50 per cent by the City of Mount Vernon; that no financial obligation whatsoever shall attach to or fall upon the State of New York on account of this project; that the easement or other right necessary to permit the construction of the westerly approach of the bridge as hereinbefore ordered shall be secured from the Bronx Parkway Commission by the City of Mount Vernon before any work of construction is commenced

Special Permission Tariffs, July, 1918.

No. 7073; July 1, 1918; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That on its application therefor dated June 29, 1918, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, under an effective date of July 2, 1918, a local passenger tariff of special excursion fares applying from various points on its line to Sacandaga, N. Y., as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 352, effective July 2, 1918.

No. 7074; July 8, 1918; Syracuse and Suburban Railroad Company:

Ordered: That on its application therefor dated July 8, 1918, the Syracuse and Suburban Railroad Company be and is hereby authorized to file, on not less than ten days' notice to the public and the Commission and effective not earlier than July 29, 1918, a supplement to its passenger tariff filed as its P. S. C., 2 N. Y., No. 15 to take effect July 29, 1918, and therein provide the fare changes as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C., 2 N. Y., No. 15, effective July 29, 1918.

No. 7075; July 12, 1918; Hudson Valley Railway Company:

Ordered: That on its application therefor dated July 12, 1918, the Hudson Valley Railway Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a joint freight tariff of class and commodity rates in connection with the Catskill and New York Steamboat Company, Ltd., as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C., 2 N. Y., No. 29, effective July 22, 1918.

No. 7076; July 12, 1918; Catskill Mountain Railroad Corporation:

Ordered: That on its application therefor dated July 11, 1918, the Catskill Mountain Railroad Corporation be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a local freight tariff of commodity rates and establish therein the schedules of rates to apply on various commodities as set forth in tariff filed with this Commission by the Catskill Mountain Railroad Corporation as its Local Freight Tariff P. S. C., 2 N. Y., No. 5, such new tariff to be issued as canceling tariff filed with this Commission for its information during the period of federal control as I. C. C. No. 2, effective June 25, 1918. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 7, effective August 9, 1918.

No. 7077; July 12, 1918; Catskill Mountain Railroad Corporation:

Ordered: That on its application therefor dated July 11, 1918, the Catskill Mountain Railroad Corporation be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a local freight tariff of class rates, such tariff to be issued as canceling local freight tariff of said corporation, filed with this Commission for its information during the period of federal control as I. C. C. No. 1, effective June 25, 1918, and to reissue the schedules of rates contained except to reduce the minimum charge for carload shipments from \$15 to \$7 per car, and the minimum charge for less carload shipments from 50¢ to 25¢, and change the class rates to apply between points taking rate reference letter "C" to read, in cents per 100 pounds: First Class 16, Second Class 14, Rule 25-12, Third Class 9, Rule 26-8½, Fourth Class 8½, Fifth Class 8, Sixth Class 6. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 6, effective August 9, 1918.

No. 7078; Putnam and Westchester Traction Company; July 15, 1918:

Ordered: That on its application therefor made July 15, 1918, the Putnam and Westchester Traction Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff superseding its P. S. C., 2 N. Y., No. 2, changing the passenger fare between any two stops within a specified zone from seven to six cents per capita, and establishing regulation for the sale, in connection with any fare paid from points within zone 1, of transfers at two cents, each good over the lines of the Peekskill Lighting and Railroad Company from South Street Switch to New York Central Railroad Company depot, from South Street Switch to Locust Avenue, and from South Street Switch to Montrose or points intermediate to the termini named. Such superseding tariff shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 7078, of date July 15, 1918." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C., 2 N. Y., No. 3, effective July 23, 1918.

No. 7079; July 8, 1918; Peekskill Lighting and Railroad Company:

Ordered: That on its application therefor dated July 3, 1918, the Peekskill Lighting and Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff superseding its P. S. C., 2 N. Y., No. 4, and establish regulations providing for a charge of two cents for transfers issued on fares paid within zone 1 as described in Company's tariff P. S. C., 2 N. Y., No. 4 now in effect, good over the lines of the Putnam and Westchester Traction Company to Williams Mills. Such superseding tariff shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. 7079, of date July 15, 1918." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C., 2 N. Y., No. 5, effective July 23, 1918.

No. 7080; July 18, 1918; Albany Southern Railroad Company:

Ordered: That on its application therefor dated July 18, 1918, the Albany Southern Railroad Company be and is hereby authorized to file, on not less than ten days' notice to the public and the Commission and under an effective date not later than August 4, 1918, a supplement to its local passenger tariff P. S. C., 2 N. Y., No. 141, postponing the effective date of said tariff from August 4, 1918, to September 1, 1918. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1, effective September 1, 1918.

No. 7081; July 19, 1918; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That on its application therefor dated July 19, 1918, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 349, canceling the rates and charges set forth therein and referring for future rates and charges to those contained in tariffs P. S. C., 2 N. Y., Nos. 149 and 150, and supplements thereto, also to file supplements to said tariffs P. S. C., 2 N. Y., Nos. 149 and 150, and provide therein for the restoration of the fares shown therein which were in effect prior to June 10, 1918. This authority does not waive any of the requirements of the Commission's published rules relative to the construction

and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 10 to P. S. C. No. 150, supplement No. 4 to P. S. C. No. 149 and supplement No. 1 to P. S. C. No. 349.

No. 7082; July 20, 1918; R. N. Collyer, Agent:

Ordered: That R. N. Collyer, agent, duly authorized by various carriers not under federal control but subject to the jurisdiction of the Public Service Commission, Second District, State of New York, to file official classifications and supplements thereto, be and is hereby authorized to file, on not less than five days' notice to the public and the Commission, a properly P. S. C., 2 N. Y., numbered supplement to his Official Classification, P. S. C., 2 N. Y., O. C. No. 44, canceling, effective July 29, 1918, ratings and regulations relative to Automobiles or parts thereof appearing on page 49, item 7, of supplement No. 15 to said classification; items 28, 29, and 30, page 358, and items 38, 39, and 40, page 360 of said classification; also canceling supplement No. 21 to said classification; and establish the ratings and regulations applicable to Automobile Parts, less carloads, and carloads, set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 25 to P. S. C. O. C. No. 44, effective July 29, 1918.

No. 7083; July 22, 1918; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That on its application therefor, dated July 22, 1918, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission, under an effective date not earlier than August 1, 1918, but within thirty days from the date hereof, a local and interdivision passenger tariff of fares, distances, rates, and charges, and rules, regulations, and practices to apply to the transportation of passengers and baggage and the furnishing of special or private passenger and baggage cars and chartered trains between all stations on its line, such fares, rates, charges, rules, regulations, and practices to be those set forth in exhibit No. 1 attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and carries no approval of the rates, fares, and charges that may be filed hereunder.

Completed by P. S. C. No. 353, effective August 1, 1918.

No. 7084; July 16, 1918; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That on its application therefor, dated July 16, 1918, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of August 1, 1918, a special supplement in the form as shown by exhibit No. 7 attached to said application, which exhibit is hereby made a part of this order, such special supplement in effect to operate to amend the various freight tariffs specified by P. S. C., 2 N. Y. numbers in said exhibit, and to change the rates, charges, rules, regulations, and practices set forth in said exhibit applicable to the transportation of property by freight locally between points on the steam operated line of the Fonda, Johnstown and Gloversville railroad, and jointly from such points to points on the lines of carriers under federal control in cases where such transportation is over a route wholly within the jurisdiction of this Commission, such rates to be the same as were ordered established, effective June 25, 1918, under General Order No. 28 of the Director General of the United

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States Railroad Administration, which order was applicable to this carrier, it at that time being under federal control and was not relinquished from such control until July 29, 1918. This authority does not waive any of the provisions of the Public Service Commissions Law except as to the notice to be given, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as is provided herein.

Completed by special supplement to various tariffs effective August 1, 1918.

No. 7085; July 13, 1918; Genesee and Wyoming Railroad Company:

Ordered: That on its application therefor, dated July 11, 1918, the Genesee and Wyoming Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a joint rate of 15½ cents per 100 pounds to apply on carload shipments of salt, minimum weight as per Official Classification, from Halite, N. Y., and Retsof, N. Y., to points in New York harbor via Pittsburgh and Lehigh Junction, N. Y., Buffalo, Rochester and Pittsburgh Railway, Canal Docks, Rochester, N. Y., and the United States Railroad Administration, New York Canal Section. This authority does not waive any of the requirements of the Commission's published regulations relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and it carries no approval of the rate to be filed hereunder.

Completed by P. S. C. No. 185, effective July 30, 1918.

No. 7086; July 25, 1918; Hudson Valley Railway Company:

Ordered: That on its application therefor, dated July 24, 1918, the Hudson Valley Railway Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. 28, correcting said tariff by adding "Rates in Classes 'F' and 'H' will apply in cents per 2240 pounds" at the bottom of page 3 thereof. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 1, effective August 2, 1918.

No. 7087; July 23, 1918; Syracuse and Suburban Railroad Company:

Ordered: That on its application therefor, dated July 22, 1918, the Syracuse and Suburban Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of July 28, 1918, a supplement to its passenger tariff filed as its P. S. C., 2 N. Y., No. 15, effective July 29, 1918, and therein provide for the cancellation of its passenger tariff P. S. C., 2 N. Y., No. 15, and supplement No. 1 thereto, and to further provide that the rates, fares, charges, rules, regulations, and practices as set forth and contained in its passenger tariff P. S. C., 2 N. Y., No. 14, and effective supplement No. 3 thereto, will remain in full force and effect until further notice. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 2 to P. S. C., 2 N. Y., No. 15, effective July 27, 1918.

No. 7088; July 26, 1918; Rochester and Syracuse Railroad Company, Inc.:

Ordered: That on its application therefor, dated July 25, 1918, the Rochester and Syracuse Railroad Company, Inc., be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and under an effective date of August 1, 1918, a supplement to its joint passenger tariff P. S. C., 2 N. Y., No. 10, and provide therein that the ticket

fares shown in section 2 of said tariff as applicable between points on the Rochester and Syracuse Railroad Company, Inc., line and points on the line of the Empire State Railroad Corporation's Syracuse-Oswego division will be canceled, and to further provide for joint fare to apply between said points the same as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published regulations relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 1 to P. S. C., 2 N. Y., No. 10, effective August 1, 1918.

No. 7089; July 24, 1918; B. Campbell, Chairman, Freight Traffic Committee, Eastern Territory, United States Railroad Administration:

Ordered: That on application therefor, dated July 22, 1918, made by B. Campbell, Chairman, Freight Traffic Committee, United States Railroad Administration, the various carriers under federal control in this Commission's jurisdiction be and they are hereby authorized to file, as to New York intra-state traffic, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, freight tariffs publishing changes in rates on Petroleum and Petroleum Products, carloads, such rates not to be in excess of 4½¢ per 100 pounds higher than the rates in effect on May 25, 1918, and in no case to exceed the present increased class rates under ratings as provided in Official Classification. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given, and it carries no approval of the rates which may be filed hereunder.

No. 7090; July 29, 1918; United States Railroad Administration, Geo. J. Ross, Superintendent Freight Transportation of the New York Central and West Shore Railroads:

Ordered: That on applications therefor, dated July 26, 1918, the United States Railroad Administration be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, tariffs of car demurrage rules and regulations governing cars containing Anthracite and Bituminous Coal and Coke for trans-shipment by vessel at the West Shore coal docks and West Shore dock storage yard, Buffalo, N. Y., such tariffs to cancel and supersede tariffs filed with this Commission by The New York Central Railroad Company as its P. S. C., 2 N. Y., No. X-34, and its leased line, the West Shore railroad, as its P. S. C., 2 N. Y., No. X. W. S.-31, and change the application of the rules contained so as to apply on Anthracite Coal and Coke as well as Bituminous Coal, so far as New York state traffic is concerned. This authority is given to insure uniform demurrage charges on both interstate and intrastate traffic; it does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as to the notice to be given.

El.-49; July 17, 1918; Oneonta Light and Power Company:

Ordered: That on its application therefor, dated July 15, 1918, the Oneonta Light and Power Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and under an effective date of July 20, 1918, Fourth Revised Leaf No. 5 to its general schedule of rates for electricity P. S. C., 2 N. Y., No. 1, said revised leaf to supersede Third Revised Leaf No. 5, which was filed July 3, 1918, to take effect August 5, 1918, and reissue said leaf without change. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective July 20, 1918.

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No. G-35; July 19, 1918; Penn Yan Gas Light Company:

Ordered: That on its application therefor, dated July 18, 1918, the Penn Yan Gas Light Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, Second Revised Leaf No. 5 to its general schedule for gas P. S. C., 2 N. Y., No. 1, superseding First Revised Leaf No. 5, and establish the following rates and regulations: Minimum charge, 75 cents per month; for the first 100 cubic feet or less of gas consumed per month, 75 cents; for all gas consumed in excess of 100 cubic feet, 16 cents per 100 cubic feet; one cent per 100 cubic feet discount on bills paid within ten days after date of bill, subject to a minimum bill of 75 cents. Said revised leaf shall bear the following notation: "Issued under Special Permission of the Public Service Commission, Second District, State of New York, No. G-35, of July 20, 1918". This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective July 22, 1918.

[Case No. 6229]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of August, 1918.

*Present:*CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of GLEN TELEPHONE COMPANY under section 101 of the Public Service Commissions Law for authority to issue \$100,000 common capital stock.

Petition filed under date of October 15, 1917; report of division of capitalization dated June 25, 1918; preliminary report of division of telegraphs and telephones dated July 12, 1918; report of division of capitalization dated July 26, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Glen Telephone Company is hereby authorized to issue \$100,000 par value of its common capital stock, which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$100,000.

2. That the proceeds of said stock so authorized, which shall not be less than \$100,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of outstanding 6% promissory notes as detailed in schedule II of the petition.....	\$84,000.00
(b) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the period from December 31, 1912, to June 30, 1917, inclusive, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation.....	10,828.74
(c) For the discharge of accounts payable.....	5,171.26
	<hr/>
	\$100,000.00

3. That the company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sales; (f) with respect to subdivisions (a) and (c) of clause No. 2 of this order there shall be shown in detail the amount of the proceeds of the stock herein authorized, which has been expended for each of the purposes specified therein; (g) with respect to subdivision (b) of clause No. 2 of this order there shall be shown the amount of the proceeds of the stock herein authorized which has been used during the period for the purpose specified therein. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended or used in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended or used the report shall set forth such fact.

4. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and property of the petitioner herein shall have been concluded, and the corrections, if any, which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

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5. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof, and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6490]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of WILLIAM V. COTTMAN under section 68, Public Service Commissions Law, for permission to construct an electric plant in a lighting district of the town of Vienna, Oneida county, and for approval of a franchise therefor received from said town.

William V. Cottman having filed a petition with this Commission asking for the approval of a franchise heretofore granted to him by the town board of the Town of Vienna, Oneida county, New York, and that he be permitted and authorized to begin the construction of an electric system within the boundaries of the lighting district heretofore set off and established in said town by said town board; and the application having come on to be heard before the Commission on the 22nd day of July, 1918, at which time, said petitioner appeared in person and by J. and W. M. Gallagher of Cleveland, N. Y., his attorneys, and due proof of publication of the pendency of this application having been filed, and no one appearing in opposition; and it appearing that formerly this territory was served by a corporation known as Sylvan Beach Electric Light and Power Company, and that said Sylvan Beach Electric Light and Power Company discontinued furnishing electricity for light in said territory, and has not operated its plant since 1912; and it appearing that there is no other utility furnishing either gas or electricity for lighting purposes in said lighting district, and this Commission having determined after due hearing that the construction of a plant of the petitioner in the said lighting district in said town of Vienna, Oneida county, and the exercise of the right, privilege, and franchise granted to said petitioner by the authorities of said Town of Vienna are necessary and convenient for the public service,

Ordered: That the franchise granted to William V. Cottman by the town board of the Town of Vienna, Oneida county, New York, on the 22nd day of August, 1917, be and the same is hereby approved, and said William V. Cottman is hereby authorized and permitted to begin construction, and to complete and maintain electric light poles and other apparatus in the lighting district heretofore set off and established in said town of Vienna by the town board thereof, the boundaries of which are as follows: "Beginning at the intersection of the New York, Ontario and Western railroad with the center of the barge canal, and running thence easterly one hundred feet, and

running thence northwesterly on the easterly side of and on a line parallel to the center of said railroad, one and one-half miles; thence southwesterly at right angles with said parallel line one mile; thence southerly on a line parallel with the shore of Oneida Lake to the center of the lake channel of the barge canal; thence along the center line of the channel of the barge canal to the place of beginning", and to exercise the rights and privileges granted to him by the town board of said Town of Vienna pursuant to said franchise granted on the 22nd day of August, 1917; and it is

Further Ordered: That said William V. Cottman shall not enter upon or construct any works in or upon any state or county highway which has been or may be improved under the provisions of the Highway Law of the State of New York except upon the approval of and under such conditions and regulations as may be prescribed by the State Commission of Highways.

[Case No. 6491]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of WILLIAM V. COTTMAN under section 68, Public Service Commissions Law, for permission to construct an electric plant in a lighting district of the town of Verona, Oneida county, and for approval of a franchise therefor received from said town.

William V. Cottman having filed a petition with this Commission asking for the approval of a franchise heretofore granted to him by the town board of the Town of Verona, Oneida county, New York, and that he be permitted and authorized to begin the construction of an electric system within the boundaries of the lighting district heretofore set off and established in said town by said town board; and the application having come on to be heard before the Commission on the 22nd day of July, 1918, at which time said petitioner appeared in person and by J. and W. M. Gallagher of Cleveland, N. Y., his attorneys, and due proof of publication of the pendency of this application having been filed, and no one appearing in opposition; and it appearing that there is no public utility furnishing either electricity or gas for lighting purposes in said territory, and this Commission having determined after due hearing that the construction of a plant of the petitioner in the said lighting district in said town of Verona, Oneida county, and the exercise of the right, privilege, and franchise granted to said petitioner by the authorities of said Town of Verona are necessary and convenient for the public service,

Ordered: That the franchise granted to William V. Cottman by the town board of the Town of Verona, Oneida county, New York, on the 28th day of May, 1918, be and the same is hereby approved, and said William V. Cottman is hereby authorized and permitted to begin construction and to complete and maintain electric light poles and other apparatus in the lighting district heretofore set off and established in said town of Verona by the town board thereof, the boundaries of which are as follows: "All that tract or territory located at Verona beach in the town of Verona, Oneida county, New York, commencing on the south bank of Wood creek, or river, on the division line between lands of Reuben Spencer Estate and land of Petersen and running southerly on said division line and in continuation thereof until it crosses the land of The Lehigh Valley Rail Way Company; thence southwesterly along

the easterly bounds of said railway land to a point opposite the center of a street forming the southerly bounds of lots owned by F. Ralph, a portion of which land is known as Blythebourne Grove; thence westerly on a line, the center of said street, to the shore of Oneida Lake; thence northerly and easterly along the shore of Oneida Lake and the southerly bank of Wood creek, or river, to the place of beginning", and to exercise the rights and privileges granted to him by the town board of said Town of Verona pursuant to said franchise granted on the 28th day of May, 1918; and it is

Further Ordered: That said William V. Cottman shall not enter upon or construct any works in or upon any state or county highway which has been or may be improved under the provisions of the Highway Law of the State of New York except upon the approval of and under such conditions and regulations as may be prescribed by the State Commission of Highways.

[Case No. 6506]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of CARL A. RHODES under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Newburgh (it being proposed that the route shall also be operated to the hamlet of West Marlborough).

Carl A. Rhodes asks for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Newburgh and the hamlet of West Marlborough. The consent of the municipal authorities of the City of Newburgh was granted June 24, 1918, subject to certain terms and conditions. A public hearing was held in Albany on July 30, 1918, at which the petitioner appeared in person. It was stipulated at said hearing that no passengers would be carried by petitioner from one point to another within the city of Newburgh. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Carl A. Rhodes of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Newburgh, a copy whereof is attached to the petition herein, from a point of beginning in the city of Newburgh on Broadway from Grand street to Liberty street, and on Liberty street to the city line, but on Saturday at noontime the route shall be from the junction of Liberty and North Water streets, along North Water street and Water street and Colden street to Broadway, and along Broadway to Liberty street, and on Liberty street to the city line, to be operated only as a part of a line from the city of Newburgh to the hamlet of West Marlborough, but not to carry passengers locally from one point to another point within said city of Newburgh. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Newburgh, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto and is not assignable without the consent of this Commission.

[Case No. 6304]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaints *against* THE PAVILION
NATURAL GAS COMPANY.

Order denying petition of Tri-County Natural Gas
Company for rehearing and revocation of order.

By order dated July 9, 1918, in this matter Tri-County Natural Gas Company is ordered to do and refrain from doing certain things in the business of furnishing natural gas to the public. It subsequently filed a petition praying, for reasons stated therein, for a rehearing and revocation of said order in so far as it applies to the Tri-County company, and it also filed a statement that it will not comply with the terms of said order, for reasons stated in its petition for rehearing. In the judgment of this Commission there not being made to appear sufficient reason for a rehearing in this matter, it is

Ordered: That said application of Tri-County Natural Gas Company for rehearing and revocation of said order of July 9, 1918, be and the same is hereby denied.

[Case No. 6495]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of SOUTH SHORE NATURAL GAS AND FUEL
COMPANY and NEW YORK CENTRAL GAS COMPANY,
INCORPORATED, under section 70, Public Service Com-
missions Law, for consent to the transfer of the fran-
chises, works, and system of the first named company
to the second named company; and under section 69
for authority to the second named company to issue
capital stock.

The joint petition in this matter was filed with this Commission June 14, 1918. The attention of the petitioners was called to the lack of authority to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission

that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6496]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of SILVER CREEK GAS AND IMPROVEMENT COMPANY and NEW YORK CENTRAL GAS COMPANY, INCORPORATED, under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

The joint petition in this matter was filed with this Commission June 14, 1918. The attention of the petitioners was called to the lack of authority to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6497]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day of
August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of FREDONIA NATURAL GAS LIGHT COMPANY and NEW YORK CENTRAL GAS COMPANY, INCORPORATED, under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

The joint petition in this matter was filed with this Commission June 14, 1918. The attention of the petitioners was called to the lack of authority to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6498]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day of
August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of ALDEN-BATAVIA NATURAL GAS COMPANY and NEW YORK CENTRAL GAS COMPANY, INCORPORATED, under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

The joint petition in this matter was filed with this Commission June 14, 1918. The attention of the petitioners was called to the lack of authority

to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6499]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of ONTARIO GAS COMPANY and NEW YORK CENTRAL GAS COMPANY, INCORPORATED, under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

The joint petition in this matter was filed with this Commission June 14, 1918. The attention of the petitioners was called to the lack of authority to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6500]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of THE ATTICA NATURAL GAS COMPANY and NEW YORK CENTRAL GAS COMPANY, INCORPORATED, under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

The joint petition in this matter was filed with this Commission June 14, 1918. The attention of the petitioners was called to the lack of authority to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6501]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of THE AKRON NATURAL GAS COMPANY and NEW YORK CENTRAL GAS COMPANY, INCORPORATED, under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

The joint petition in this matter was filed with this Commission June 14, 1918. The attention of the petitioners was called to the lack of authority

to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6502]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of NORTH BUFFALO NATURAL GAS FUEL COMPANY and NEW YORK CENTRAL GAS COMPANY, INCORPORATED, under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

The joint petition in this matter was filed with this Commission June 14, 1918. The attention of the petitioners was called to the lack of authority to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6503]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of NIAGARA LIGHT, HEAT AND POWER COMPANY and NEW YORK CENTRAL GAS COMPANY, INCORPORATED, under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

The joint petition in this matter was filed with this Commission June 14, 1918. The attention of the petitioners was called to the lack of authority to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6504]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of FROST GAS COMPANY under section 70, Public Service Commissions Law, for authority to acquire all of the capital stock of the New York Central Gas Company, Incorporated.

The petition in this matter was filed with this Commission June 14, 1918. Certain petitions related to it (cases Nos. 6495-6503) being withdrawn, the reason for continuing this petition does not exist, and petitioner asks leave to withdraw this petition. Under these circumstances, it is

Ordered: That this petition may be withdrawn and shall be returned to petitioner, and this case closed on the records of the Commission.

to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6502]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of NORTH BUFFALO NATURAL GAS FUEL COMPANY and NEW YORK CENTRAL GAS COMPANY, INCORPORATED, under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

The joint petition in this matter was filed with this Commission June 14, 1918. The attention of the petitioners was called to the lack of authority to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6503]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of NIAGARA LIGHT, HEAT AND POWER COMPANY and NEW YORK CENTRAL GAS COMPANY, INCORPORATED, under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

The joint petition in this matter was filed with this Commission June 14, 1918. The attention of the petitioners was called to the lack of authority to make and distribute manufactured gas in the certificate of incorporation of the New York Central Gas Company, Incorporated, which is incorporated under the Business Corporations Law as a natural gas company, and it being proposed that it should make and distribute manufactured gas as well as distribute natural gas; the said company thereafter sought to amend its certificate of incorporation to include among its rights the making and distribution of manufactured gas, and subsequently informed this Commission that the Secretary of State refused to file the certificate of amendment proposed; the petitioners therefore ask leave to withdraw this petition, it being proposed that another petition which will be made in part by a company to be substituted for New York Central Gas Company, Incorporated, shall be filed in the future. Under these circumstances, it is

Ordered: That this joint petition may be withdrawn and shall be returned to petitioners, and this case closed on the records of the Commission.

[Case No. 6504]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of FROST GAS COMPANY under section 70, Public Service Commissions Law, for authority to acquire all of the capital stock of the New York Central Gas Company, Incorporated.

The petition in this matter was filed with this Commission June 14, 1918. Certain petitions related to it (cases Nos. 6495-6503) being withdrawn, the reason for continuing this petition does not exist, and petitioner asks leave to withdraw this petition. Under these circumstances, it is

Ordered: That this petition may be withdrawn and shall be returned to petitioner, and this case closed on the records of the Commission.

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[Case No. 3294]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the SYRACUSE AND SUBURBAN RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue and sell certain notes.

Petition filed November 16, 1912; report of division of capitalization dated August 1, 1913; reports of division of transportation dated December 4, and December 31, 1913; report of division of capitalization dated January 21, 1914; order entered under date of June 4, 1914.

Whereas the Syracuse and Suburban Railroad Company by its petition filed in case No. 6512 has petitioned for relief which will accomplish the purposes heretofore provided for in this case, and whereas said company has indicated that it does not now desire to exercise the authority heretofore granted in this case by this Commission, it is

Ordered: That the order herein dated June 4, 1914, is hereby vacated and the consents and approvals granted therein are hereby canceled and revoked.

[Case No. 5474]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of the NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY and SALMON RIVER POWER COMPANY under section 70 of the Public Service Commissions Law for consent to sale to the last named company of the Lyons Power Plant and property and for consent to the lease (after the sale) of said property from the last named company to the first named company; also, under section 70 for consent to the first named company to acquire capital stock of the last named company; also, singly, by the Salmon River Power Company under section 69 of the Public Service Commissions Law for authority to issue common capital stock, mortgage bonds, and notes.

Petition filed March 14, 1916; report of electrical engineer dated April 13, 1916; supplemental petition filed April 15, 1916; hearing held April 20, 1916; order entered April 25, 1916; amendatory order entered September 18,

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charges, tolls, or rentals charged and collected by said telephone company therefor are not unjust or unreasonable; it is

Ordered: That the complaint be and it hereby is dismissed and the case closed upon the records of the Commission.

[Case No. 6512]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of SYRACUSE AND SUBURBAN RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue a first refunding mortgage for \$1,000,000 and bonds to be secured thereby.

Petition filed July 8, 1918; report of division of capitalization dated July 30, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Syracuse and Suburban Railroad Company is hereby authorized to execute and deliver to the Fidelity Trust Company as trustee, a corporation organized and existing under the laws of the State of Pennsylvania, a certain indenture, deed of trust, or mortgage upon all its plant and property to secure an issue of first refunding mortgage 50-year gold bonds to the aggregate amount of \$1,000,000 face value, bearing interest at the rate of 5 per cent per annum, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered together with an affidavit by the president or other executive officer of the company, stating that the indenture as executed and delivered is the same as that herein approved by the Commission, and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

3. That the Syracuse and Suburban Railroad Company is hereby authorized to issue \$775,000 face value of its 5 per cent 50-year first refunding mortgage gold bonds under the aforesaid mortgage, and to dispose of such bonds at not less than their face value.

4. That said bonds or their proceeds, which shall not be less than \$775,000, shall be used solely and exclusively for the following purposes:

(a) To refund or retire at or before maturity and [or] acquiring by even exchange or purchase:		
(1) 5% first mortgage bonds dated August 2, 1897, which mature August 2, 1927, in the face amount of.	\$400,000.00	
(2) 5% first consolidated mortgage gold bonds dated April 1, 1903, which mature April 1, 1953, in the face amount of.....	150,000.00	
		\$550,000.00
(b) To discharge bills payable.....		96,578.50
(c) To discharge accounts payable.....		24,489.71

(d) To defray the cost of construction, extension, and improvement of facilities as follows:		
Paving East Genesee street, Syracuse.....	\$16,900.00	
Paving village of Fayetteville.....	7,725.00	
Bridges in Fayetteville.....	4,000.00	
Ballast on roadbed not now ballasted.....	12,000.00	
Additions and betterments:		
1 new passenger car.....	9,400.00	
		50,025.00
(e) Working capital		20,161.79
(f) To be held as a treasury asset of the company until a further order shall have been received from this Commission specifically authorizing the use thereof.....		83,750.00
		<hr/> \$775,000.00

in so far as the same may be applicable provided (1) that the proceeds of such bonds shall be applied toward the cost of new construction summarized in subdivision (d) hereof only in so far as such new construction is a real increase in the fixed capital as defined by the Uniform System of Accounts for Street Railroad Corporations; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained, a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such bonds over the actual costs thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in sections 4 and 5, page 5, of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual costs of which must be accounted for in the manner defined by the Commission's Uniform System of Accounts for Street Railroad Corporations; (5) that the working capital herein allowed shall not be disbursed for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Syracuse and Suburban Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Syracuse and Suburban Railroad Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold or exchanged during such period; (b) the date of such sales or exchanges; (c) to or with whom such bonds were sold or exchanged; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such transactions; (f) with respect to subdivisions (b) and (c) of ordering clause No. 4 of this order there shall be shown in detail the amount of the proceeds of the bonds herein authorized which has been expended for each of the purposes specified therein; (g) with respect to subdivision (d) of ordering clause 4 of this order there shall be shown (1) in detail the amount of the proceeds of the bonds herein authorized which has been expended during such period for each of the purposes set forth therein, and the account or accounts under the Uniform System of Accounts for Street Railroad Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period; (h)

with respect to subdivision (e) of ordering clause No. 6 of this order there shall be shown the amount of bond proceeds used therefor during such period. In reporting under subdivisions (2) and (3) of section (g) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or exchanged and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or proceeds expended, the report shall set forth such fact.

7. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the petitioner shall have been concluded and the corrections, if any, which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and the compliance with any subsequent direction or order of the Commission in the premises.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and before any bonds are issued pursuant hereto and that within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes described in this order and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6098]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the petition of the UNITED TRACTION COMPANY for permission to increase its passenger fares.

On the facts found and for the reasons stated in the accompanying opinion, it is

Ordered: 1. That the United Traction Company be and it is hereby authorized to increase its one-way fares for passenger travel over its lines as hereinafter prescribed in the following described zones, subject to conditions herein provided:

Local zone (a): From 5 to 6 cents. This zone includes all points within the city of Albany, including point known as Garbrance lane in the town of Colonie; also all points within the city of Rensselaer. For travel between points in this zone requiring the use of two car lines, free transfers to be given and accepted.

Local zone (b): From 5 to 6 cents. This zone includes all points within the cities of Troy, Cohoes, and Watervliet, also the villages of Green Island and Waterford, including points intermediate between said cities and villages in the towns of Colonie and Waterford. For travel between points in this zone requiring the use of two car lines, free transfers to be given and accepted.

Through zone (c): This zone includes points intermediate between the Plaza, terminal point in the city of Albany, and Franklin Square, terminal point in the city of Troy, or the through line terminal point in the city of Cohoes. For through travel between said points, the fare is not to exceed 12 cents. Between said terminal point in Albany and point in the town of Colonie known as Schuyler Bridge, including points intermediate between said points, the fare is not to exceed 6 cents; and between said terminal point in the city of Troy or in the city of Cohoes and a point in the town of Colonie known as Garbrance Lane, including points intermediate between said points, the fare is not to exceed 6 cents. Free transfers to be given for through travel between points in zone (a) and points in zone (c) intermediate between Albany and Schuyler Bridge, also between points in zone (b) and points in zone (c) intermediate between Watervliet and Garbrance Lane when such travel involves the use of a local car line and a through car line. The foregoing transfer regulations in combination will apply to through travel between points in local zone (a) and points in local zone (b) when the travel involves the use of car lines operating in both said local zones and the through car line operating in through zone (c).

2. That the United Traction Company be and it is hereby authorized to publish and file with the Commission in the manner provided in the Public Service Commissions Law and the regulations of the Commission established thereunder, a passenger tariff containing the fare schedules, regulations, and practices as herein prescribed, and such tariff may be made effective on five days' notice to the public and the Commission.

3. The fare schedules prescribed in this order shall continue in effect as maximum fares until the signing of a general treaty of peace unless the Commission shall otherwise order.

[Case No. 6444]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of a schedule of passenger fares filed by the UNITED TRACTION COMPANY with this Commission May 2, 1918.

The United Traction Company May 2, 1918, filed with this Commission its local tariff of passenger fares P. S. C., 2 N. Y., No. 11 supposed to become effective June 2, 1918, instituting certain increases of rates referred to in the accompanying opinion. These tariffs were suspended by order of the Commission May 21, 1918, and further suspended July 30, 1918, until and including September 28, 1918. The investigation was a part of the inquiry made in case No. 6098 and the determination of that case made concurrently herewith is in accordance with the latest proposal of the United Traction Company as to rates and in effect disposes of this case. It is, therefore

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Ordered: 1. That the orders suspending said tariff of local passenger rates be and the same are vacated, the vacation thereof to become effective concurrently with the cancellation as hereinafter ordered, of said tariff.

2. That the United Traction Company be permitted and directed on five (5) days' notice but not later than September 23, 1918, to cancel said local passenger tariff P. S. C., 2 N. Y., No. 11.

3. That the United Traction Company, within five (5) days after the service of a copy of this order, notify the Commission as to its acceptance thereof.

[Case No. 6462]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of JOHN H. MCINTYRE, individually and as Mayor of and on behalf of the residents of the City of Rensselaer *against* UNITED TRACTION COMPANY as to proposed six-cents fare between Rensselaer and Albany with no transfer in Albany.

Upon the facts found and for the reasons stated in the accompanying Opinion and because of the determination made in case No. 6098, it is

Ordered: That this case be and the same hereby is closed on the records of the Commission.

[Case No. 6478]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the VILLAGE OF KENMORE *against* BUFFALO GENERAL ELECTRIC COMPANY as to rates for electricity in said village for power.

Appearances: Fred J. Blackmon, esq., attorney, Village of Kenmore; Daniel J. Kenefick, esq., attorney, Buffalo General Electric Company. Hearings in Buffalo before Chairman Hill July 20 and August 5, 1918.

This complaint was filed with this Commission on June 12, 1918, by the president and trustees of the Village of Kenmore, Erie county, complainants alleging that the company proposed to charge in Kenmore rates for electric current for heat and power different than in Buffalo and that this would violate a provision of the franchise granted the company by the village; the company answered denying that the said rates for heat and power (which had gone into effect) violated the franchise provision because there was no

consumer in Kenmore who could use them, nor likely to be; that Kenmore had other power and heat rates which were available to any consumer there, and were the same as those available to any consumer in Buffalo, and that this was a compliance with the franchise provision. The following are extracts from the stenographer's minutes of the hearing August 5th:

"Mr. Blackmon: I think it would be satisfactory to the village, if it will go on the record here that it is not the disposition of your company to charge for power and heat in Kenmore any greater rate than in Buffalo, and that in case they do, that inaction upon the part of the village at this time shall not prejudice them for a hearing before the Commission when such action occurs.

"Mr. Keneflick: I make that statement, adopt it in your own words.

"Mr. Blackmon: It came up here the other day, we say, if the Commissioner please, I make this statement that this schedule might affect us if we kept our mouths closed, by our silence, that the company might claim that we had modified the franchise by our silence in not objecting.

"Mr. Keneflick: I adopt that statement as mine.

"Mr. Blackmon: Well, that seems to end it then.

"Chairman Hill: As I understand it, upon the acceptance which the company has now made on the record of the proposition stated by Mr. Blackmon on the part of the village, the complaint is withdrawn?

"Mr. Blackmon: Yes."

The complaint having been thus withdrawn, it is

Ordered: That this case is hereby closed upon the records of the Commission.

[Case No. 6519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the failure of the DELAWARE AND
OTSEGO LIGHT AND POWER COMPANY to file schedules
showing all its rates, charges, regulations, and prac-
tices

Order
to show
cause.

Delaware and Otsego Light and Power Company having complied with the tariff regulations of this Commission, it is

Ordered: That the order of this Commission of July 23, 1918, directing said company to show cause why the Commission should not take action to compel compliance with said tariff regulations, is hereby vacated, and this case is hereby closed on the records of the Commission.

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[Case No. 6304]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaints *against* THE PAVILION
NATURAL GAS COMPANY.

Order denying petition of the Pavilion Natural Gas
Company for rehearing and suspension of order.

By order dated July 9, 1918, in this matter The Pavilion Natural Gas Company is ordered to do and refrain from doing certain things in the business of furnishing natural gas to the public. It subsequently filed a petition praying, for reasons stated therein, for a rehearing and suspension of said order in so far as it applies to The Pavilion company, and it also filed a statement that it will not comply with the terms of said order. In the judgment of this Commission there not being made to appear sufficient reason for a rehearing in this matter, it is

Ordered: That the application of The Pavilion Natural Gas Company for rehearing and suspension of said order of July 9, 1918, be and the same is hereby denied.

[Case No. 6471]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of HORSEHEADS TRANSPORTATION PROTECTIVE ASSOCIATION, ET AL., *against*
ELMIRA WATER, LIGHT AND RAILROAD COMPANY as to
proposed increased fare.

Third
amendatory
order.

This Commission by order of date June 19, 1918, suspended the operation of certain passenger tariffs filed to become effective June 20, 1918, designated as follows: Elmira Water, Light and Railroad Company Passenger Tariffs P. S. C., 2 N. Y., Nos. 5 and 6, and deferred the use of the fares, charges, regulations, and practices therein stated until July 20, 1918, and by an amendatory order of date July 9, 1918, said suspension order was vacated and set aside as of July 14, 1918, so far as it related to Elmira Water, Light and Railroad Company's passenger tariff P. S. C., 2 N. Y., No. 6, and the schedules containing the proposed fares, charges, regulations, and practices to apply to passenger traffic transported between Horseheads, N. Y., and Watkins, N. Y., and intermediate points.

By its second amendatory order dated July 16, 1918, the Commission, not having been able by that time to complete its investigation, again suspended until August 19, 1918, the operation of the said passenger tariffs, P. S. C., 2 N. Y., Nos. 5 and 6 to the extent stated in said second amendatory order. It now appearing that the Commission can not complete its investigation

within the period of the second suspension, namely, August 19, 1918, therefore, it is

Ordered: 1. That the operation of the Elmira Water, Light and Railroad Company's passenger tariffs P. S. C., 2 N. Y., No. 5, and P. S. C., 2 N. Y., No. 6, so far as the latter relates to the schedules containing proposed fares, charges, regulations, and practices to apply to passenger traffic transported between points other than Horseheads, N. Y., and Watkins, N. Y., and intermediate points, be and they are further suspended until and including September 17, 1918, and that the use of the fares, charges, regulations, and practices therein stated (except as otherwise provided herein) be and they are hereby deferred until and including September 17, 1918.

2. That a copy of this order be filed with said tariff publications in the office of this Commission, and that copy thereof be served on the Elmira Water, Light and Railroad Company, and said company be and it is hereby directed to publish and file with the Commission proper tariff amendments containing notice hereof, in accordance with the provisions of Rule 33 (i) of this Commission's Circular No. 68.

[Case No. 6511]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of ROCHESTER RAILWAY AND LIGHT COMPANY and PITTSFORD LIGHT AND HEAT COMPANY under section 70, Public Service Commissions Law, for consent to the transfer of a franchise.

The Rochester Railway and Light Company and the Pittsford Light and Heat Company having presented to this Commission a joint petition praying for the consent of the Commission to the transfer by the Pittsford Light and Heat Company to the Rochester Railway and Light Company of a consent or franchise granted by the Village of Pittsford, Monroe county, New York, on the 20th day of October, 1904, to Samuel Hutchinson and John Steve, or their assigns, or such corporation as may be formed by them or their assigns for that purpose, to lay conductors for conducting gas through the streets and other public places and highways in said village of Pittsford, which said consent and franchise is now held by the Pittsford Light and Heat Company; and a public hearing having been held upon the said application at Rochester, N. Y., on the 12th day of August, 1918, at which hearing the Rochester Railway and Light Company was represented by Harris, Beach, Harris and Matson, its attorneys, the Pittsford Light and Heat Company by Smith O'Brien, its attorney, and the Village of Pittsford by James G. Green, its attorney, and it appearing at the said hearing that the Rochester Railway and Light Company is now engaged in the business of distributing and selling artificial gas in the village of Pittsford under a consent and franchise granted by the authorities of said village to the Despatch Light, Heat and Power Company, a corporation which has been merged into the Rochester Railway and Light Company, and that the Pittsford Light and Heat Company formerly distributed and sold acetylene gas in the village of Pittsford under the franchise granted to Hutchinson and Steve, but that said Pittsford Light and Heat Company has discontinued business, and has not operated under the said franchise for about two years, and is disposing of its property, and

proposes to close its affairs and be dissolved; and that the said franchise is proposed to be acquired by the Rochester Railway and Light Company as a part of a settlement of certain litigation between the two companies and not for a separate money consideration; and the representative of the Village of Pittsford having stated the position of the village to be that it preferred to have the franchise held by the Pittsford Light and Heat Company canceled and annulled, and the Rochester Railway and Light Company having agreed that it would immediately after the transfer of said franchise to it surrender the same to the village of Pittsford, and agreed that it might be canceled, revoked, and annulled, which agreement was satisfactory to the Village of Pittsford; it is

Ordered: That the consent of the Commission be, and it hereby is, granted to the transfer by the Pittsford Light and Heat Company to the Rochester Railway and Light Company of the consent and franchise granted by the Village of Pittsford to Samuel Hutchinson and John Steve on the 20th day of October, 1904, to lay conductors for conducting gas through the streets and public places in said village of Pittsford, this consent, however, being granted upon condition that the said Rochester Railway and Light Company shall immediately surrender the said franchise and consent to the said Village of Pittsford and consent that the same may be revoked, canceled, and annulled; and, it is

Further Ordered: That the said Rochester Railway and Light Company shall give notice to this Commission of the surrender of the said franchise.

[Case No. 6540]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of filing schedule of rates for gas proposed to be charged by MUNICIPAL GAS COMPANY OF THE CITY OF ALBANY.

The Municipal Gas Company of the city of Albany having on the 13th day of August, 1918, offered to this Commission for filing a schedule, proposed to be effective September 26, 1918, showing rates for gas for lighting and fuel proposed to be charged consumers in the city of Albany, said proposed rates being as follows: "First 25,000 cubic feet per month \$1.30 per 1000 cu. ft.; next 25,000 cubic feet per month \$1.20 per 1000 cu. ft.; excess cubic feet per month \$1.05 per 1000 cu. ft."; and said rates being in excess of the rate for illuminating gas, to wit \$1 per thousand cubic feet, named in chapter 227 of the laws of 1907 as the rate which may be charged the public in the city of Albany, this Commission hereby refuses to file said schedule because said proposed rates would be a violation of said chapter 227 of the laws of 1907.

[Case No. 6541]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of Petition of SCHENECTADY RAILWAY
COMPANY for permission to increase certain passenger
fares.

Schenectady Railway Company having filed with this Commission a petition under section 29, Public Service Commissions Law, for permission to put in effect August 19, 1918, changes in fares for passengers hereinafter named without the thirty days' notice and publication therein provided for; and it appearing that each fare referred to in said petition will thus be increased one cent, and the reasons for said increase being that the points in question include those in which cars of the Schenectady Railway Company operate on tracks of the United Traction Company, the fare of which last named company on said tracks is to be increased to six cents on August 19, and that under contract between said companies all fares collected by the Schenectady company on its cars operating on United Traction Company's tracks must be the same as those collected by the United Traction Company on its cars operating over the same tracks and must be paid in their entirety to the United Traction Company; and it appearing to this Commission that under these circumstances the operation of said cars of the Schenectady Railway Company upon the United Traction Company's tracks is a United Traction Company operation, it is

Ordered: That Schenectady Railway Company may file, effective August 19, 1918, the following increase in fares for passengers on its railroad: "An increase of one cent in all fares between any two stops within group No. 5 (the Albany group), as shown on page 8 of the company's Local Passenger Tariff P. S. C., 2 N. Y., No. 19 (as amended), now on file with this Commission, and between any stop in such group and any stop not in such group on said company's line to and including the city of Schenectady; also an increase of one cent in all fares between any two points in group No. 5 (the Green Island-Watervliet-Troy group), as shown on page 10 of said tariff, and between any stop in such group and any stop not in such group on said company's line to and including the city of Schenectady; also, an increase of one cent in all fares between all stops in Group 4 (Latham to Watervliet Group), as shown on page 10 of tariff," on condition, however, which condition is hereby made a part of this order, that on or before said 19th day of August, 1918, said Schenectady Railway Company shall file with the Commission the joint stipulation of said company and of the United Traction Company that said Schenectady Railway Company shall upon request issue to any passenger (paying said increased fare) riding on its cars to Albany, Watervliet, Green Island, or Troy from Schenectady or points east thereof, a transfer entitling such passenger to passage within the limits of said municipalities on the cars of any single line of the United Traction Company which the cars of the Schenectady Railway Company intersect or touch, under the same privileges and conditions that would be afforded a passenger transferring from a United Traction Company car, and on condition that said United Traction Company shall accept such transfer; and that United Traction Company shall upon request issue to any passenger boarding its cars in Albany, Troy, Watervliet, or Green Island, a transfer entitling said passenger to passage on the cars of the Schenectady Railway Company within said groups No. 5 as above referred to which cars intersect or touch the lines of said United Traction Company.

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Further Ordered: That the statutes affecting the filing of fare schedules with this Commission and the regulation of the Commission in respect to such fare schedules shall be complied with by Schenectady Railway Company and United Traction Company in respect to said fares and transfers.

[Case No. 5325]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of CLYDE T. GRIFFITH under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Albany (it being proposed that the route shall also be operated between Albany and Slingerlands) Modification of order.

April 4, 1916, a certificate of convenience and necessity was granted to Clyde T. Griffith for the operation of a stage route by auto buses in the city of Albany as a part of a route through the hamlets of Normansville, Elsmere, and Delmar to the hamlet of Slingerlands. April 11, 1916, said certificate was amended because of an assignment from the aforesaid Griffith to Fletcher V. W. Lehman so that it was made to run to said Lehman instead of to said Griffith. Mr. Lehman on the one side and Mr. Frank Hungerford and Mrs. Albina May Hungerford on the other now petition for the consent of the Commission to a transfer of this certificate by Lehman to the Hungerfords. The consent of the city is to Griffith, his successors and assigns. It appears that the equipment of Mr. Lehman has recently been destroyed by fire and that the Hungerfords own equipment whereby the operation of said route may be continued. It is therefore

Ordered: That the consent of the Commission be and the same hereby is given to the transfer of said certificate by said Fletcher V. W. Lehman to Frank Hungerford and Albina May Hungerford subject to all the terms and conditions thereon, and that no further transfer or assignment shall be made without the consent of this Commission.

[Case No. 5725]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of NASSAU LIGHT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$531,000 common capital stock.

Petition filed October 2, 1916; statement of fixed capital expenditures, etc., filed December 27, 1916; report of division of capitalization dated June 8, 1917; reports of division of light, heat, and power dated December 3 and 12, 1917, and June 19, and August 6, 1918; final report division of capitalization

dated July 19, 1918; supplement to final report of division of capitalization dated August 12, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the corrected proposed journal entries numbers 1, 2, and 3 contained in the supplement dated August 12, 1918, to the final report of the division of capitalization in this proceeding dated July 19, 1918, a copy of which shall be served upon the corporation, said entries being listed on pages 7 to 9 inclusive of said supplement, shall be entered upon the books of the Nassau Light and Power Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Nassau Light and Power Company is hereby authorized to issue \$380,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$380,000.

3. That the proceeds of said stock so authorized which shall not be less than \$380,000 shall be used solely for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the period from December 31, 1911, to December 31, 1917, inclusive, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation	\$280,955.82	
(b) For the discharge of outstanding bills and accounts payable as follows, or their renewals:		
Bills payable	\$70,000.00	
Accounts payable	28,601.79	
		98,601.79
		<u>\$379,557.11</u>
Excess		\$442.89

4. That the Nassau Light and Power Company shall for each six months period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show: (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) with respect to subdivision (a) of clause 3 of this order there shall be shown the amount of the proceeds of the stock herein authorized which has been used during said period; (g) with respect to subdivision (b) of clause 3 of this order there shall be shown in detail the amount of the proceeds of the stock herein authorized which had been expended during said period for each of the purposes enumerated therein.

Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended or used in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended or used the reports shall set forth such fact.

5. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof, this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

6. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and before any stock is issued pursuant hereto and within thirty days of the service hereof, the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order and that such

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purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6085]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of schedule of passenger fares filed with this Commission July 29, 1918, by HUDSON VALLEY RAILWAY COMPANY.

Hudson Valley Railway Company having on July 29, 1918, filed with this Commission a schedule entitled Local Passenger Tariff No. 24 of Fares, and designated as P. S. C., 2 N. Y., No. 24 to become effective August 29, 1918, superseding tariff P. S. C., 2 N. Y., No. 22 now in effect; and it appearing that by said tariff P. S. C., 2 N. Y., No. 24, rates of fare for passengers on said Company's railroad would, in many instances, be increased; and this Commission being of the opinion because of the increases proposed that it should on its own initiative enter upon a hearing concerning the propriety of the proposed increased fares, and that pending a hearing and decision such schedule should be suspended, it is

Ordered: 1. That the operation of said schedule of said Hudson Valley Railway Company entitled Local Passenger Tariff No. 24 of Fares, P. S. C., 2 N. Y., No. 24 is hereby suspended for sixty days from and including August 29, 1918, to wit, until and including October 27, 1918, unless the Commission shall otherwise order, and the putting in effect of the fares and regulations stated therein is hereby deferred for the same period.

2. That a hearing concerning the propriety of the proposed increased fares contained in said tariff be held at the office of the Commission, 58 North Pearl street, Albany, N. Y., on Wednesday, September 4, 1918, at 10:30 a. m., and it is

Further Ordered: That a copy of this order be filed with the Commission's copy of said Hudson Valley Railway Company's tariff P. S. C., 2 N. Y., No. 24, and that the aforesaid carrier shall publish, post, and file a supplement to said tariff giving due notice of this suspension.

[Case No. 6293]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the MADRID ELECTRIC LIGHT COMPANY, INC., under section 69, Public Service Commissions Law, for authority to make a mortgage for \$9200, and to issue one bond for that amount.

Petition filed December 18, 1917; reports of division of light, heat, and power dated January 12 and July 17, 1918; report of division of capitalization dated July 19, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Madrid Electric Light Company, Inc., is hereby authorized to execute and deliver to Abner D. Whitney, of Madrid, St. Lawrence county, N. Y., as trustee, a certain indenture, deed of trust, or mortgage upon all its plant and property dated the 2nd day of October, 1916, to secure the issue of an 8-year mortgage bond in the face amount of \$7200, bearing interest at the rate of 6 per cent per annum, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue said bond pursuant to the terms of said mortgage except as herein authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and the bond secured thereby shall not be issued or sold until the provisions of this clause have been complied with.

3. That the Madrid Electric Light Company, Inc., is hereby authorized to issue its 6 per cent 8-year mortgage bond in the face amount of \$7200 to be secured by the aforesaid mortgage, which bond may be sold at a price not less than its face value to realize net proceeds of at least \$7200.

4. That the proceeds of said bond so authorized, which shall not be less than \$7200, shall be used solely and exclusively for the discharge of indebtedness owing to Abner D. Whitney at December 31, 1916, or the renewals thereof, for moneys advanced by him for additions, extensions, and betterments to the plant and property of the petitioner.

5. That the bond herein authorized shall not be hypothecated or pledged as collateral by the Madrid Electric Light Company, Inc., unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Madrid Electric Light Company, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) whether or not said bond has been sold during such period; (b) the date of such sale; (c) to whom such bond was sold; (d) what proceeds were realized from such sale; (e) in detail the amount expended during such period of the proceeds of the bond herein authorized for the purpose specified herein. Such reports shall continue to be filed until said bond shall have been sold and its proceeds expended in accordance with the authority contained herein, and if during any period said bond was not sold or its proceeds expended, the report shall set forth such fact.

7. That the authority contained in this order to issue a bond is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof, and before such bond is issued pursuant hereto and that within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bond herein authorized is reasonably required for the purpose specified in this order and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

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[Case No. 6488]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of WAGER'S AUTO BUS LINE, INC., under section 55, Public Service Commissions Law, for authority to issue \$4500 additional common capital stock. Also supplemental petition.

Petition filed June 20, 1918; supplemental petition filed August 8, 1918; report of division of capitalization dated August 16, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the issuance by the Wager's Auto Bus Line, Inc., on or about April 30, 1915, of \$2500 par value of its capital stock and the use made of the proceeds realized from the sale thereof at par for the purchase of a White automobile bus is hereby authorized *nunc pro tunc*.

2. That the Wager's Auto Bus Line, Inc., is hereby authorized to issue \$4500 par value of its capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$4500.

3. That the proceeds of said stock so authorized, which shall not be less than \$4500 shall be used solely and exclusively for the following purposes:

(a) For the purchase of an additional automobile bus.....	\$4,126	
(b) For the purchase of a new body for the bus now in operation	\$1,355	
Less retirement of old body.....	350	
		<hr/> 1,005
		<hr/> \$5,131

Amount unprovided for..... \$631

4. That the Wager's Auto Bus Line, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show: (a) what stock (of the \$4500 herein authorized) has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) the amount of the proceeds of the stock herein authorized which has been expended during such period for each of the purposes specified herein. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended, the report shall set forth such fact.

5. That the authority contained in this order to issue capital stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof, and before any stock is issued pursuant hereto and that within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 506]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the CARTHAGE AND COPENHAGEN RAILROAD COMPANY under subdivision 10, section 4, of the Railroad Law, for consent to issue a mortgage for \$75,000; and under section 55 of the Public Service Commissions Law for authority to issue \$75,000 in bonds to be secured by said mortgage.

Petition filed September 25, 1908; hearing held October 13, 1908; order entered October 14, 1908; report of division of capitalization dated August 19, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Commission.

[Case No. 1441]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the ELIZABETHTOWN TERMINAL RAILROAD COMPANY for consent to issue a first mortgage for \$175,000, for authority to issue \$150,000 in bonds, and \$80,000 common capital stock, pursuant to section 55 of the Public Service Commissions Law.

Petition filed January 5, 1910; hearing held February 7, 1910; reports of engineer dated February 11 and March 18, 1910; order entered March 29, 1910; order to show cause entered December 14, 1911; hearing held January 8, 1912; reports of division of capitalization dated September 8 and December 17, 1914; report of counsel dated December 17, 1914; report of division of capitalization dated August 19, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Commission.

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[Case No. 2425]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the SYRACUSE, WATER-TOWN AND ST. LAWRENCE RIVER RAILROAD COMPANY pursuant to the provisions of subdivision 10 of section 8 of the Railroad Law for consent to execute a mortgage; pursuant to the provisions of section 55 of the Public Service Commissions Law for authority to issue capital stock and 5 per cent 40-year bonds upon the security of said mortgage.

Petition filed June 24, 1911; report of engineer dated June 29, 1911; hearing held August 3, 1911; order entered March 12, 1912; order to show cause entered August 5, 1914; supplemental petition filed August 15, 1914; hearing held August 18, 1914; report of division of transportation dated December 29, 1914; amendatory order entered December 31, 1914; report of division of capitalization dated August 19, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Commission.

[Case No. 2763]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the ROCHESTER, SYRACUSE AND EASTERN RAILROAD COMPANY for authority, pursuant to the provisions of section 55 of the Public Service Commissions Law, to issue promissory notes to an aggregate amount of \$1,137,114.75.

Petition filed January 18, 1912; order entered January 18, 1912; supplemental petition filed (letter) October 30, 1914; amendatory order entered November 10, 1914; report of division of capitalization dated August 19, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Commission.

[Case No. 3460]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the EMPIRE UNITED RAILWAYS, INC., for consent to execute a mortgage pursuant to the provisions of subdivision 10 of section 8 of the Railroad Law, and for authority to issue bonds thereunder pursuant to the provisions of section 55 of the Public Service Commissions Law.

Petition filed March 10, 1913; reported balance sheets filed March 24, 1913; order No. 1, as to keeping accounts, entered October 15, 1913; order No. 2, consenting to a mortgage and authorizing the issue of bonds thereunder, entered October 15, 1913; supplemental order entered November 26, 1913; acceptance of orders Nos. 1 and 2 filed October 9, 1913; reports of company's accountant dated March 18, 1912, and June 1, 1912; letter as to accounts filed September 8, 1914; report of division of capitalization dated November 27, 1914; second supplemental order entered December 30, 1914; hearings held April 5 and 21, 1915; memorandum as to order No. 1, as to keeping accounts, filed April 21, 1915; supplemental petition filed April 23, 1915; hearing held April 30, 1915; third supplemental order entered April 30, 1915; hearings held June 10 and 17, 1915; order entered April 13, 1916; report of division of capitalization dated December 14, 1916; report of division of capitalization dated August 19, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Commission.

[Case No. 3611]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the SYRACUSE AND SOUTH BAY ELECTRIC RAILROAD COMPANY under section 55 of the Public Service Commissions Law for an order authorizing the issue of notes.

Petition filed June 3, 1913; order entered June 11, 1913; report of division of capitalization dated August 19, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Commission.

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[Case No. 4915]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the EMPIRE UNITED
RAILWAYS, INC., for authority, pursuant to the pro-
visions of section 55 of the Public Service Commis-
sions Law, to issue \$83,000 par value of its 5 per
cent 50-year first and refunding mortgage bonds.

Petition filed April 17, 1915; hearing held April 30, 1915; report of
division of capitalization dated April 30, 1915; order entered April 30, 1915;
report of division of capitalization dated August 19, 1918. Now therefore,
upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Com-
mission.

[Case No. 4923]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the EMPIRE UNITED
RAILWAYS, INC., for authority, pursuant to the pro-
vision of section 55 of the Public Service Commissions
Law, to issue \$88,000 par value of its first and refund-
ing mortgage 5 per cent 50-year bonds.

Petition filed April 23, 1915; hearing held April 30, 1915; order entered
April 30, 1915; report of division of capitalization dated August 19, 1918.
Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Com-
mission.

[Case No. 5116]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of CARTHAGE AND COPENHAGEN RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue capital stock and ratification of the issuance of stock heretofore issued.

Petition filed August 3, 1915; amended petition filed December 20, 1915; affidavit of accounting officer filed January 12, 1916; report of division of capitalization dated July 25, 1916; hearing held July 25, 1916; order entered July 31, 1916; report of division of capitalization dated August 19, 1918. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Commission.

[Case No. 5901]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of ROSS GRAVES of Buffalo *against* IROQUOIS NATURAL GAS COMPANY, alleging insufficient supply of natural gas, and that the illuminating and heating power is not sufficient.

Ross Graves of the City of Buffalo, N. Y., having filed a complaint with this Commission against the Iroquois Natural Gas Company, which alleges among other things that the natural gas supplied by said company to its customers does not conform with the just and reasonable standard of illuminating and heating power, and is not adequate in volume to supply the demand of its customers and consumers; and the company having admitted by its answer that during the days of extremely cold weather the supply of natural gas was not entirely adequate for all the users of the defendant, and that during the said period the pressure was not constant, and at times during the said period the pressure was low; and the Mayor of the City of Buffalo and other persons having filed with the Commission similar complaints, and the respondent company having made answer to said complaints, and this Commission, in view of said complaints, having undertaken to investigate and ascertain the truth of the allegation in said complaint; and said proceedings having been consolidated and tried out together, and having come on to be heard before Commissioner Barhite at the office of this Commission in the city of Buffalo, N. Y., at which time the complainant, Ross Graves, appeared in person; the Mayor of the City of Buffalo appeared by

Frederick C. Rupp, esquire, assistant city attorney; Frank C. Perkins, esquire, appeared individually and as president of the Central Council of Business Mens and Citizens Associations; D. T. O'Reilly, esquire, W. C. Eastman, esquire, Mrs. Nina E. Baldwin, Thomas A. Laird, esquire, Albert A. Wilks, esquire, and C. H. Howard, esquire, of Buffalo, in person; and Daniel J. Kenefick, esquire, of Buffalo, appeared as attorney for the respondent; and it appearing from the records on file with this Commission and from the evidence produced before the Commission on said hearing that the supply of natural gas is gradually diminishing, and that the demand is increasing, and that the supply of natural gas furnished by the respondent company to its customers during severe winter weather is inadequate in amount and varies in pressure, and that much inconvenience and suffering to those who depend upon said gas for heat and light are caused thereby, and that said company has been adding to the number of its customers; and it further appearing in the opinion of this Commission that it will be necessary for the respondent company in order to supply a proper amount of gas to its customers in the future to furnish artificial gas which may be mixed with and added to the supply of natural gas whenever necessary; and it further appearing that a large amount of apparatus used by the customers of said respondent company is wasteful in the use of gas and does not utilize the heat and light derived from said gas; and it further being the opinion of this Commission that the customers of said company who use said gas for domestic purposes in an amount not exceeding forty thousand cubic feet per month should have the first right to the use of said gas, and that it is necessary to restrict the use of gas furnished by said company during the winter months for the purpose of conserving the supply for domestic customers,

Ordered: That all customers of the Iroquois Natural Gas Company be and the same are hereby divided into two general classes to be known as "domestic consumers" and "industrial consumers"; that "domestic consumers" shall include the users of natural gas for heating, lighting, and cooking in private houses, boarding houses, and apartment houses; and users of natural gas for lighting and cooking only, in hotels, restaurants, bakeries, eating places, club houses, hospitals, and charitable institutions; that all other customers shall be known as "industrial consumers".

That from and including the 1st day of December in each and every year, until and including the 31st day of March in the succeeding year, no natural gas shall be furnished by the Iroquois Natural Gas Company to any "industrial consumer" within the city of Buffalo or elsewhere for any purpose without the special permission of this Commission, except as hereinafter specified and directed.

Further Ordered: That from and including the 1st day of December in each and every year, until and including the 31st day of March in the succeeding year, no "domestic consumer" shall be permitted to use more than forty thousand cubic feet of natural gas in any one month, counting any thirty successive days during the period above named as one month, nor more than a corresponding part of said forty thousand cubic feet for a proportionate part of said thirty days, and no "domestic consumer" shall be permitted to use gas in a furnace not originally constructed for the use of gas; that said Iroquois Natural Gas Company is hereby directed to discontinue all service to all customers who neglect or refuse to obey this order.

That the Iroquois Natural Gas Company shall attach to its pipes within the city of Buffalo and elsewhere, before the 1st day of December, 1918, such a number of self registering pressure gauges as this Commission shall direct and determine, and said gauges shall be attached at such points and in such manner as this Commission shall hereafter direct. Each of said gauges shall be under the control of this Commission and access shall only be had to said gauges by such persons as shall hereafter be named by this Commission. Charts shall be taken from each of said gauges during the four months herein named by said company, or such persons as may be named by the Commission, at such regular intervals as may be directed by the Commission, and such charts shall be immediately filed as directed by the Commission.

The standard pressure to be maintained in the service pipes of all customers in the city of Buffalo and elsewhere shall be at least four ounces per square inch.

That the provisions of this order shall not apply to any customer of the Iroquois Natural Gas Company in the city of Buffalo or elsewhere who shall be engaged in any business deemed essential by the United States Government for its use in the conduct of the war in which the government is now engaged, and in which business the Government of the United States deems the use of natural gas to be necessary.

Further Ordered: That the Iroquois Natural Gas Company shall on or before the 9th day of September, 1918, notify all its customers in the city of Buffalo and elsewhere of the provisions of this order by publishing a copy thereof at least once in two separate newspapers published in the city of Buffalo and by serving a copy thereof either personally or by mail upon all "industrial consumers".

Further Ordered: That all orders or parts of orders heretofore issued by this Commission and inconsistent with this order shall be and the same are hereby vacated and set aside.

Further Ordered: That any person or persons affected by the provisions of this order may apply to this Commission either without notice or upon notice to such person or persons as this Commission designates for the modification or annulment of any of the provisions of this order.

Further Ordered: That the Iroquois Natural Gas Company shall within 10 days after the receipt by it of a copy of this order notify the Commission whether the terms of this order are accepted and will be obeyed.

[Case No. 5981]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of The New York Central Railroad Company for the elimination of crossings in the cities of Tonawanda and North Tonawanda.

Modifying
order.

An order of this Commission was made in the above entitled matter on July 26, 1917, directing the elimination of certain grade crossings and the lengthwise occupation of certain streets in the cities of Tonawanda and North Tonawanda by the re-location of the railroad in accordance with a plan filed with this Commission and referred to in said order. Petitions dated June 15, 1918, and June 25, 1918, requesting certain modifications in the above mentioned order have been filed with this Commission. These modifications are intended to effect the following changes in the plans filed, all such changes being within the city of Tonawanda: a new street immediately adjoining the new line of the railroad on the north to extend from Delaware avenue to Main street, instead of from Delaware avenue to William street; a retaining wall 3 feet high along the northerly line of the new railroad embankment extending from Young street to Glenwood avenue, and from Delaware avenue to Main street, instead of an 8-foot retaining wall extending from Young street to William street; a bridge to be constructed across Mill creek at Mill Creek road, the existing dam at that point to be removed; a dam to be constructed

across the State ditch at its intersection with Mill creek; a 4-foot concrete pipe culvert to be constructed to carry the waters of said State ditch under Main street and the new railroad embankment; the span of the proposed arch to be constructed at Glenwood avenue to be 50 feet instead of 70 feet; all as shown more particularly on a plan filed with petition dated June 15, 1918, entitled "N. Y. C. R. R., Buffalo and East, Niagara and Tonawanda Branches, Buffalo Division, Proposed Change of Line and Barge Canal Crossing at Tonawanda. Engineering Department, New York, March 6, 1917. Scale 1" = 200' — Issue No. 7". A certified copy of a resolution passed June 8, 1918, by the common council of the City of Tonawanda, duly approved by the mayor on June 8, 1918, approving the above mentioned changes, provided that within 30 days thereof The New York Central Railroad Company shall have filed its written consent to do all the work specified at its own cost and expense, has been filed.

At a hearing on said petitions held in the city of Buffalo on August 2, 1918, the following appeared: S. H. Milliner for the City of Tonawanda, and Albert E. Jones and N. F. Thompson for The New York Central Railroad Company. Due proof of publication of notice of the hearing and of personal service thereof on all interested property owners was filed. Attention was called to the fact that the railroad company had not filed the above mentioned written consent to do all the work involved in the proposed changes at its own expense. It was agreed that this written consent might be filed by said company within 10 days after the issuance of this order. After due deliberation the Commission has determined to grant the petitions, and it is therefore

Ordered: That the order of this Commission dated July 26, 1917, be and hereby is modified as follows:

1. The last sentence of the second paragraph of ordering clause No. 1 shall be changed to read as follows: "An undergrade crossing with its axis at right angles to the proposed track alignment shall also be built to a width of 50 feet at Glenwood avenue."

2. Subdivision (a) of ordering clause No. 1 shall be changed to read as follows: "(a) A new street, 66 feet wide and about 1900 feet long, from Delaware avenue to Main street on the northerly side of the new railroad, and William street shall be closed between the new right of way lines."

3. The plan referred to in said order of July 26, 1917, shall be modified in accordance with ordering clauses Nos. 1 and 2 hereof, and in addition to show the following: a retaining wall 3 feet high along the northerly line of the new railroad embankment, extending from Young street to Glenwood avenue, and from Delaware avenue to Main street, the retaining wall from Young street to William street as previously shown, to be omitted; a bridge across Mill creek at Mill Creek road to have a clear span of 25 feet and to carry a roadway 18 feet wide and one sidewalk 4 feet wide, the present dam at that point to be removed; a dam across the State ditch at its intersection with Mill creek; a 4-foot concrete pipe culvert to carry the waters of State ditch under Main street and the new railroad embankment.

This order is granted with the understanding and upon the condition that within 10 days after the service of a certified copy thereof the said The New York Central Railroad Company shall file with the clerk of the board of aldermen of the City of Tonawanda and with this Commission its written consent to do all the work above specified at its own cost and expense.

[Case No. 6340]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint under sections 71 and 72,
Public Service Commissions Law, of GEORGE W. LANE,
as Mayor of Corning, *against* CRYSTAL CITY GAS COM-
PANY as to proposed increase in price of natural gas
furnished customers.

The respondent herein applied for a rehearing and modification of the order made July 9, 1918, directing the cancellation of a tariff therein specified, increasing the price of natural gas to consumers in the city of Corning. A hearing was held on this application at which further evidence was offered as to the attitude of the Potter Gas Company, a Pennsylvania corporation producing gas and selling it to the respondent, and as to the relations between the Potter Gas Company and the respondent. Further evidence was also introduced bearing upon the reasonableness of the rates. In the light of this evidence and in view of information received by the Commission that some action may soon be taken by the United States Fuel Administration which may affect the matters involved, it is

Ordered: 1. That the Crystal City Gas Company cancel on three (3) days notice to the public and the Commission and effective September 1, 1918, its tariff service classification No. 4, second revised leaf, No. 9 to General Schedules for Gas P. S. C., 2 N. Y., No. 1, March 1, 1918, and on like notice that it restore the rates in force prior to the effective date of said tariff.

2. That it notify the Commission within three (3) days after the service of this order as to its acceptance thereof.

3. That on or after December 1, 1918, either complainant or respondent may, in the light of circumstances then existing, apply to the Commission for a vacation or modification of this order.

[Case No. 6399]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of MISS FLORENCE T.
KAHNWEILER of New York city *against* NEW YORK
TELEPHONE COMPANY as to disputed number of calls;
and that itemized bills be furnished or that a coin box
telephone be furnished complainant.

The above entitled case having been duly noticed for hearing at the office of the Commission in the city of New York on the 1st day of May, 1918, at which time and place Commissioner John A. Barhite having duly called the

Bergen, N. Y., may be changed to East Bergen, N. Y.; and the town board of the Town of Bergen in the county of Genesee, N. Y., having also made request of this Commission that the name of said station be changed; and a hearing upon said petition having come on to be heard before Commissioner Barhite in the city of Rochester, N. Y., on the 10th day of August, 1918, at which time due proof that a notice of said hearing had been duly posted on the bulletin board in the railroad station at North Bergen, N. Y., and on the outside of said station at the left at the entrance thereto, and the petitioner having duly appeared by George C. Wilcox, its attorney, who gave proof of the facts set forth in the petition; no one appearing to oppose,

Ordered: That The New York Central Railroad Company be and it is hereby authorized to change the name of the station known as North Bergen, situated on the West Shore Railroad at or near Churchville, in the county of Genesee and State of New York, to East Bergen.

[Case No. 6508]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany, on the 22nd day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK LEVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of HENRY LOWENTHAL
against NEW YORK TELEPHONE COMPANY as to charge
for coin box telephone, and commission on such tele-
phone.

The complainant in the above entitled case having made complaint to the Commission that at the property of the complainant, situated at 2708 Broadway in the city of New York, there is a slot telephone and complainant desires the respondent to discontinue the charge of seventy-five cents per month for telephone and to declare the same to be a public pay station, and that complainant shall be entitled to commissions as agent at a public pay station; and the case having come on to be heard before Commissioner Barhite at the office of the Commission in the city of New York on the 7th day of August, 1918, at which time and place the complainant appeared in person, and the respondent appeared by Paul H. Burns, esq., its counsel; and it appearing from the evidence taken that the premises owned by the complainant at No. 2708 Broadway is an apartment house and that the telephone therein is situated on the second story at or near the head of a flight of stairs leading from the first to the second story; and it further appearing that there is a public telephone situated on the ground floor in the said building and that in addition thereto there are seven public telephones situated on Broadway within the block in which complainant desires another public station to be located, and that the public interests do not require the installation of another telephone in said block,

Ordered: That the complaint in the above entitled action be and the same is hereby dismissed and the case closed on the books of the Commission.

[Case No. 6555]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the condition of the track and bridges
of THE KEESEVILLE, AUSABLE CHASM AND LAKE
CHAMPLAIN RAILROAD COMPANY.

Annual inspections of the track and bridges of The Keeseville, Ausable Chasm and Lake Champlain Railroad Company have for some time past indicated that the property is steadily deteriorating. Recommendations designed to bring the physical condition of the property up to the standard at which it reasonably might be expected to be maintained have been made, but subsequent inspections have indicated that complete compliance therewith has not been made. The chief of division of steam railroads reports under date of August 14, 1918, that he believes that this property is being maintained in a manner which will shortly bring it to the state when a serious accident may be expected. Now therefore,

Ordered: That The Keeseville, Ausable Chasm and Lake Champlain Railroad Company be and it is hereby required to show cause before this Commission at its hearing room at 58 North Pearl street (corner Steuben and Pearl streets) in the city of Albany on the 29th day of August, 1918, at 2:30 o'clock in the afternoon, why an order should not be made by this Commission directing and requiring the said The Keeseville, Ausable Chasm and Lake Champlain Railroad Company to forthwith make repairs to its track and bridges in accordance with requirements which shall be contained in said order.

[Case No. 6285]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ROCHESTER RAILWAY
AND LIGHT COMPANY under section 69, Public Service
Commissions Law, for authority to issue \$4,000,000 in
preferred capital stock.

Amendatory
order.

Petition filed December 11, 1917; hearing held February 23, 1918; report of division of capitalization dated March 1, 1918; order entered March 12, 1918; supplemental petitions filed May 28, and August 6 and 20, 1918; report of division of capitalization dated August 26, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order of the Commission in this proceeding dated March 12, 1918, is hereby modified and amended to authorize the issuance of \$1,000,000 par value of 7 per cent cumulative preferred capital

stock, Series B, and the use of the proceeds realized from the sale thereof at not less than par for the following purposes:

- | | |
|---|----------------|
| (a) To be applied toward the discharge of indebtedness aggregating \$3,535,000, outstanding at December 31, 1918 as detailed on page 5 of exhibit A attached to the petition herein, or the renewals thereof | \$405,000.00 |
| (b) For the payment of accounts payable, individuals and companies, as set forth in exhibit filed herein on August 26, 1918.. | 311,087.00 |
| (c) For proposed construction..... | 283,913.00 |
| Provided that said \$283,913 shall be carried by the company in a separate fund and not disbursed by it without the further authorization of this Commission, and that the company shall immediately prepare and submit complete and satisfactory details of such proposed construction and the proposed expenditures therefor, which details shall be in such form as to show conclusively that the proposed use of these proceeds are for net additions and betterments after cognizance has been taken of retirements. | |
| | \$1,000,000.00 |

2. That the authorization contained in said order of March 12, 1918, to issue \$1,000,000 par value of 7 per cent cumulative preferred capital stock in addition to that mentioned in clause 1 of this order, and the use of the proceeds for the discharge of indebtedness, is hereby vacated.

3. That in all other respects the terms and conditions of the original order herein dated March 12, 1918, shall remain in full force and effect.

4. That the authority contained in this amendatory order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof, and that within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

[Case No. 6333]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint under sections 71 and 72, Public Service Commissions Law, of customers against PANAMA POWER COMPANY (Chautauqua county) as to increase in electric rates.

A hearing in the above entitled matter having been held before Commissioner Barhite at the common council chamber in the city of Jamestown on the 19th day of April, 1918, and then duly adjourned to May 10, 1918, in order that the parties might have an opportunity to negotiate for settlement; and no further hearing having been had and the attorneys for the complainants and the respondent having consented that the above entitled matter may be closed on the ground that the parties have arranged the matters in dispute,

Ordered: That the above entitled proceeding be and the same is hereby closed on the books of the Commission.

[Case No. 6361]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF
MECHANICVILLE AND OTHER PLACES *against* THE DELA-
WARE AND HUDSON COMPANY, asking that passenger
train formerly leaving Troy at 6:20 p. m. be restored.

The complaint asks the Commission to order restored a passenger train which formerly left Troy at 6:20 p. m. and reached Mechanicville at 6:50. It is in behalf of commuters and others whose business is in Troy, Watervliet, or Albany and whose homes are in Mechanicville. Under the evidence in the case the Commission would not be justified in existing circumstances in granting the relief prayed for. The Hudson Valley Railway Company, serving the same communities, has at the request of the Commission changed the schedule of a car formerly leaving Troy at 6 p. m. so that it leaves the Union Station at Troy at 6:10 p.m. While this service may not be in all respects so convenient to the complainants as the Delaware and Hudson train would be, it seems practically to give the service desired. The Hudson Valley Company is not a party to this proceeding. Should experience show that its service is inadequate, the matter must be determined in a proper proceeding against that company. It is therefore

Ordered: That this complaint be and hereby is dismissed.

[Case No. 6535]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

Petition of ROCHESTER RAILWAY AND LIGHT COMPANY
under section 69, Public Service Commissions Law, for
authority to make a refunding and improvement mort-
gage and to issue now \$3,900,000 in 7 per cent 3-year
bonds to be secured thereby.

Petition filed August 6, 1918; report of division of capitalization dated August 26, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Rochester Railway and Light Company is hereby authorized to execute and deliver to the Bankers Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of September, 1918, to secure an issue of general mortgage gold bonds, a tentative copy of which indenture has been filed with the Commission herein, provided that no bonds shall be issued under the security thereof until said indenture shall have been approved in its final form by the Commission.

2. That the Rochester Railway and Light Company is hereby authorized to issue \$3,900,000 face value of its general mortgage gold bonds under the aforesaid mortgage, which bonds are to mature September 1, 1921, and to bear interest at the rate of 7 per cent per annum and which shall be known as Series A bonds, provided that none of such bonds shall be sold until the proposed sale price shall have been submitted to and approved by this Commission and the form of mortgage approved as provided in ordering clause 1 herein.

3. That the proceeds of said bonds so authorized shall be used solely and exclusively for the funding of the following obligations of the company outstanding at June 30, 1918, as detailed in exhibit A attached to its petition herein, or the renewals thereof: (1) bills payable \$3,280,000; (2) accounts payable \$669,474.52: \$3,949,474.52.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Rochester Railway and Light Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That the Rochester Railway and Light Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold during such period; (b) the dates of such sales; (c) to whom such bonds were sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) in detail the amount of the proceeds of the bonds herein authorized which have been expended for each of the purposes specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold and the proceeds expended in accordance with the authority contained herein and if during any period no bonds were sold or proceeds expended the report shall set forth such fact.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and before any bonds are issued pursuant hereto and within thirty days of the service hereof, the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

7. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and property of the petitioner herein shall have been concluded and the corrections, if any, which by reason of such examination this Commission shall determine to be proper and necessary shall have been made, accepted by the corporation, and entered in the accounts of said company, to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

8. Finally it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6166]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 29th day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of LEWISTON AND LAKE ONTARIO SHORE POWER
COMPANY under section 69, Public Service Commis-
sions Law, for authority to issue \$10,000 in 6 per
cent 10-year bonds under an existing mortgage.

Petition filed August 10, 1917; report of division of capitalization dated
August 18, 1917; order entered August 23, 1917; supplemental petition filed
July 22, 1918; report of division of capitalization dated August 27, 1918.
Now therefore, upon the foregoing record,

Ordered: That the order herein dated August 23, 1917, is hereby modified
and amended in such manner as to permit the Lewiston and Lake Ontario
Shore Power Company to expend the excess of bond proceeds therein unpro-
vided for, viz: \$170.63 for the following purposes:

General equipment, electric fan.....	\$9.00
Distribution system, wiring.....	2.00
Poles and fixtures, locust pins, braces, etc.....	71.63
Line transformers and devices, current transformers and fused switches.....	88.00
	\$170.63

Finally, it is determined and stated that in the opinion of the Commission
the money procured by the issue of bonds heretofore authorized herein and
issued is reasonably required for the purposes specified in this order, and that
such purposes are not in whole or in part reasonably chargeable to operating
expenses.

[Case No. 6247]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 29th day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of SEWARD ELECTRIC
LIGHTING AND POWER COMPANY, INC., under section
69 of the Public Service Commissions Law for author-
ity *nunc pro tunc*, and present authority, to issue
common and preferred capital stock.

Report of division of capitalization dated January 14, 1918; report of divi-
sion of light, heat and power dated April 4, 1918; hearing held July 16, 1918;
final report of division of capitalization dated August 20, 1918. Now there-
fore, upon the foregoing record.

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding, dated August 20, 1918, a copy of which shall be served upon the corporation, such entries being listed in schedule III, pages 8 to 10 inclusive thereof, shall be entered upon the books of the Seward Electric Lighting and Power Company, Inc., and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the issuance by the Seward Electric Lighting and Power Company, Inc., up to and including July 17, 1916, of \$2000 par value of its preferred stock and \$4000 of its common capital stock, and the use of the proceeds realized from the sale thereof at par aggregating \$6000 in the construction of the electric plant at Seward, Schoharie county, N. Y., are hereby authorized *nunc pro tunc*.

3. That the Seward Electric Lighting and Power Company, Inc., is hereby authorized to issue \$36,000 par value of its capital stock, \$19,000 of which shall be classified as 6 per cent non-cumulative preferred capital stock and \$17,000 as common capital stock, all of which stock may be sold at a price not less than the par value thereof to realize net proceeds of at least \$36,000.

4. That the proceeds of said stock so authorized which shall not be less than \$36,000 shall be used solely and exclusively for the following purposes:

(a) For the discharge of obligations outstanding at December 31, 1916, as follows, or the renewals thereof:

1. Bills payable	\$9,700.00
2. Accounts payable	3,994.43
	<hr/>
	\$13,694.43

Less amount contracted to defray corporate deficit	916.47
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\$12,777.96

(b) For extensions and improvements to the plant and system of the petitioner as detailed in schedule C attached to the report of the Commission's division of light, heat and power herein dated April 4, 1918.

20,823.00

(c) For working capital.....

2,311.45

\$35,912.41

Excess \$87.59

in so far as the same may be applicable provided (1) that the proceeds of such stock shall be applied toward the cost of new construction summarized in subdivision (b) hereof only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined by the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or, in a proper case, where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained, a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such stock over the actual cost thereof shall be used for any purpose without the further order of this Commission; (4) that the working capital herein allowed shall not be disbursed for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

5. That the Seward Electric Lighting and Power Company, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with

respect to subdivision (a) of clause 4 of this order there shall be shown in detail the amount of proceeds of the stock herein authorized which has been expended for each of the purposes specified therein; (g) with respect to subdivision (b) of clause 4 of this order there shall be shown (1) in detail the amount of the proceeds of the stock herein authorized which has been expended during such period for each of the purposes specified in said schedule C and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for each of such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period; (h) with respect to subdivision (c) of clause 4 of this order there shall be shown the amount of proceeds of the stock herein authorized which has been used therefor. In reporting under sections 2 and 3 of subdivision (g) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended, the report shall set forth such fact.

6. That the Seward Electric Lighting and Power Company, Inc., shall within two years after the date of this order make application to this Commission to reopen this case for the purpose of determining the plan which it will thereafter follow for the amortization of all items which shall then be carried in account "Suspense to be amortized".

7. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof, this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

8. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and before any stock is issued pursuant hereto and within thirty days of the service hereof, the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary, accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized to be issued is reasonably required for the purposes specified in this order and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

390 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6476]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint under sections 71 and 72, Public Service Commissions Law, of customers in the incorporated village of Red Hook, Dutchess county, against THE RED HOOK LIGHT AND POWER COMPANY as to increases in rates for electricity.

A number of patrons of the respondent in the village and town of Red Hook complained against rates established by the respondent for electricity by a tariff filed with this Commission May 23, 1918, effective July 1, 1918. The respondent operates in the villages of Red Hook and Tivoli and in the towns of Red Hook, Germantown, Livingston, Clermont, and Milan, all in the counties of Dutchess and Columbia. The same tariffs are in effect throughout the district. The burden of proof to show that the rates are unreasonable rests by law upon the complainants (*People against Public Service Commission*, 159 App. Div. 546; Affirm. 215 N. Y. 245). They have failed to sustain this burden although the Commission required the respondent to proceed first with its evidence. We have no evidence sufficient to permit a segregation of valuation, revenues, and expenses in the village and town of Red Hook. We have very unsatisfactory evidence of these items relating to the entire system. From what can be gathered from the evidence and from reports on file with the Commission it would seem that the total value of the property used in the service is approximately \$63,000 and that under the present rates a return may be expected of about \$3700. Certainly a return of 6 per cent is not too great. This complaint must therefore be dismissed. Nevertheless the rates beginning with 20 cents a kilowatt hour for the first twenty kilowatt hours seem very high, especially for current generated by hydraulic power. The Commission will therefore, through its own experts, enter upon a further investigation of conditions throughout the entire district. It is therefore

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 6549]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of DOWNSVILLE TELEPHONE COMPANY under section 101, Public Service Commissions Law, for authority to issue a first and refunding mortgage for \$10,000 and to issue an equal amount of 6 per cent bonds to be secured thereby.

Petition filed August 19, 1918; report of division of capitalization dated August 23, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Downsville Telephone Company is hereby authorized to execute and deliver to William G. Moore, of Walton, Delaware county, N. Y., as trustee, a certain indenture, deed of trust, or mortgage upon all its plant and property, to be dated the 1st day of September, 1918, to secure an issue of first mortgage 20-year coupon bonds to the aggregate amount of \$10,000 face value, bearing interest at the rate of 6 per cent per annum, a copy of which indenture has been filed with the Commission herein and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein authorized by the Commission.

2: That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered together with an affidavit by the president or other executive officer of the company, stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

3. That the Downsville Telephone Company is hereby authorized to issue \$10,000 face value of its 6 per cent 20-year first mortgage coupon bonds under the aforesaid mortgage.

4. That the said bonds herein authorized, or the proceeds thereof, shall be used solely and exclusively for the refunding by even exchange or sale on a basis of face for face of the outstanding 5 per cent 10-year first mortgage coupon bonds of the petitioner aggregating \$10,000 which mature on September 1, 1918; provided that if only a portion of such bonds of a total face value of \$10,000 shall be used for said purpose, the said partial exchange shall likewise be on the basis of face for face.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Downsville Telephone Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Downsville Telephone Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold or exchanged during such period; (b) the dates of such sales or exchanges; (c) to or with whom such sales or exchanges were made; (d) what proceeds, if any, were realized from such sales; (e) any other terms and conditions of such transactions; (f) in detail the amount of the proceeds of the bonds herein authorized which has been expended during such period for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended, the report shall set forth such fact.

7. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the petitioner herein shall have been concluded and the corrections, if any, which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and before any bonds are issued pursuant hereto and within thirty days of the service hereof, the said company shall file with the Commission a satisfactory, verified stipulation over the signature of its president and secretary, accepting this order with all its terms

and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally it is determined and stated that in the opinion of the Commission the bonds herein authorized and the money to be procured by the issue thereof are reasonably required for the purpose described in this order and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6568]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of a schedule of passenger fares filed by ALBANY SOUTHERN RAILROAD COMPANY with this Commission July 5, 1918, and complaint in reference thereto.

Albany Southern Railroad Company having, on July 5, 1918, filed with this Commission a schedule known as Local Passenger Tariff P. S. C., 2 N. Y., No. 141, to become effective August 4, 1918, but which effective date was voluntarily postponed by said carrier until September 1, 1918, superseding its tariff P. S. C., 2 N. Y., No. 122 now in effect; and it appearing that by said tariff P. S. C., 2 N. Y., No. 141 rates of fare for passengers on said company's railroad would in certain instances be increased, and that regulations relating to transportation of baggage, newspapers, etc., and charges therefor would be changed; and a complaint against said fare increases having been filed with this Commission by patrons of said company's passenger cars, and this Commission being of the opinion, because of said complaint, that it should enter upon a hearing concerning the propriety of the proposed increased fares, and that pending hearing and decision such schedule should be suspended, it is

Ordered: That the operation of said schedule of said Albany Southern Railroad Company known as Local Passenger Tariff P. S. C., 2 N. Y., No. 141 is hereby suspended for fifteen days, to wit: from and including September 1, 1918, to and including September 15, 1918, and the putting in effect of the fares and regulations stated therein is hereby deferred for the same period, unless this Commission in the meantime vacates, supersedes, or modifies this order.

Further Ordered: That a copy of this order be filed with the Commission's copy of said Albany Southern Railroad Company's tariff P. S. C., 2 N. Y., No. 141 and that said company shall publish, post, and file a supplement to said tariff giving due notice of this suspension.

Further Ordered: That a public hearing in respect to said passenger fares and regulations in said tariff P. S. C., 2 N. Y., No. 141 be held by this Commission at the office of the Commission, No. 58 North Pearl street (corner of Steuben street) in the city of Albany on Thursday, September 5, 1918, at two o'clock p. m.

[Case No. 6569]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 29th day
of August, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the proposed interlocking plant at
Riverside Junction to govern the crossing of the
Buffalo, Rochester and Pittsburgh Railway, Erie
Railroad, and Pennsylvania Railroad.

The Buffalo, Rochester and Pittsburgh Railway Company has submitted to this Commission a plan entitled "Buffalo, Rochester & Pittsburgh Railway, Middle division, Riverside Junction, N. Y., plan of proposed interlocking with Pennsylvania R. R. and Erie R. R., May 21, 1918, revised Aug. 21, 1918 EFR". This plan shows a complete interlocking plant with switches, signals, and derails which if properly installed should govern the movements of trains at this crossing. The chief of the division of steam railroads has reported that in his opinion the plan is satisfactory and has recommended its approval. It is now therefore

Ordered: That the installation of an interlocking plant with signals, switches, and derails as shown on the above entitled plan be and is hereby approved, and that in accordance with section 56 of the Railroad Law, the trains of the Buffalo, Rochester, and Pittsburgh Railway Company, Erie Railroad Company, and the Pennsylvania Railroad Company may discontinue the full stop, provided the signal indications displayed permit them to cross.

Special Permission Tariffs, August, 1918.

No. 7091; August 3, 1918; B. Campbell, Chairman, Freight Traffic Committee, Eastern Territory, United States Railroad Administration:

Ordered: That on application therefor dated August 2, 1918, made by B. Campbell, chairman, Freight Traffic Committee, Eastern Territory, United States Railroad Administration, carriers be and they are hereby authorized to file, as to New York intrastate traffic, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, freight tariffs publishing changes in rates on Petroleum and Petroleum Products, carloads, between points on Federal controlled roads and non-Federal controlled roads, not in excess of 4½¢ per one hundred pounds higher than the rates in effect on May 25, 1918, but in no case to exceed the present class rates applying under ratings provided in Official Classification. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given, and it carries no approval of the rates which may be filed hereunder.

No. 7092; August 5, 1918; R. N. Collyer, Agent:

Ordered: That on application therefor dated August 3, 1918, by R. N. Collyer, duly appointed agent for carriers to file Official Classification, be and is hereby authorized to file, as to New York intrastate traffic, on not less than one day's notice to the public and the Commission and within sixty days from the date hereof, supplement to his tariff P. S. C., 2 N. Y., O. C. No. 44, for the purpose of amending items one to four as shown on page 18 of supplement No. 15 to said tariff P. S. C., 2 N. Y., O. C. No. 44 to read as set forth in said application, which is hereby made a part of this

order. To permit the filing of such supplement, the provisions of Rule 9 (e), Circular No. 68, are waived in so far as the number of supplements permitted to a tariff are concerned; otherwise, this authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given, and it carries no approval of the rates, charges, and regulations which may be filed hereunder.

No. 7093; August 5, 1918; Kaydeross Railroad Corporation:

Ordered: That on application therefor dated August 3, 1918, the Kaydeross Railroad Corporation, a new company recently incorporated to take over the property heretofore operated by the Eastern New York Railroad Company and its Receiver, be and it is hereby authorized to file, as to New York intrastate traffic, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a passenger tariff canceling tariff issued by the Eastern New York Railroad Company as its P. S. C., 2 N. Y., No. 1, and also a freight tariff as canceling tariff issued by the Eastern New York Railroad Company as its P. S. C., 2 N. Y., No. 11, publishing the rates, fares, and charges as set forth in exhibits attached to said application, and which exhibits are hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given, and it carries no approval of the rates, charges, rules, and regulations which may be filed hereunder.

Completed by passenger tariff P. S. C. No. 2, and freight tariff P. S. C. No. 2, effective August 17, 1918.

No. 7094; August 14, 1918; The Chautauqua Traction Company:

Ordered: That on application therefor, dated August 12, 1918, The Chautauqua Traction Company be and it is hereby authorized to file, for the purpose of correcting error, a supplement to its passenger fare tariff, P. S. C., 2 N. Y., No. 330, on not less than one day's notice to the public and the Commission and under an effective date not earlier than August 23, 1918, changing from 13 to 10 cents the one way ticket fares shown on pages 6 and 7 of said tariff as applying between Chautauqua, N. Y., and Mayville, N. Y. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder, except as to the notice to be given.

Completed by Supplement No. 1 to P. S. C. No. 330, effective August 23, 1918.

No. 7095; August 15, 1918; Deer River Railroad Corporation:

Ordered: That on application therefor dated August 14, 1918, the Deer River Railroad Corporation be and it is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a properly P. S. C., 2 N. Y., numbered tariff, establishing therein rate of 60 cents per ton of 2000 pounds on Crushed Stone, carloads, to apply in either direction between Carthage, N. Y., and Copenhagen, N. Y. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given.

No. 7096; August 16, 1918; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That on application therefor, dated August 15, 1918, the Fonda, Johnstown and Gloversville Railroad Company be and it is hereby authorized to file on not less than one day's notice to the public and the Commission and within ten days from the date hereof, a tariff schedule for the purpose of establishing the rates, on Gloves (all kinds); and Knit Goods, (not

otherwise specified) in boxes, bales, or cases; less than carloads, from various stations on Fonda, Johnstown and Gloversville Railroad to Governors Island, N. Y., via Fonda, N. Y., and Hudson Navigation Company's lines, set forth in exhibit attached to application, which exhibit is hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given.

Completed by P. S. C. No. 274, effective August 20, 1918.

No. 7097; August 10, 1918; Eugene Morris, Agent:

Ordered: That on application therefor dated August 7, 1918, made by Eugene Morris, agent, duly appointed by various carriers to file schedules of rates on Petroleum and Petroleum Products, carriers be and they are hereby authorized to file the changes in rates on Petroleum and Petroleum Products, carloads, between points on Federal controlled and non-Federal controlled roads heretofore authorized to be established on less than statutory notice, by this Commission's special permission No. 7091, dated August 5, 1918, in a supplement of special form as shown by exhibit attached to application, which exhibit is hereby made a part of this order. To permit the filing of such special form supplement the provisions of Rules 4 (i) and 9 (e) of this Commission's Circular No. 68 be and they are hereby, unless otherwise ordered, temporarily waived as to, and confined to, special supplements which contain no changes other than in the particulars hereinafter set forth; *provided* that no further special supplement to the same tariff shall be issued unless hereafter authorized by the Commission, and it is

Further Ordered: That all tariffs amended by special supplements authorized to be filed shall be reissued not later than sixty (60) days after the date upon which such special supplements are filed with the Commission, such reissues to be in full conformity with the rules and regulations of the Commission as published in its Circular No. 68, and it is

Further Ordered: That each special supplement filed under this special permission shall bear upon its title page the notation "The form of this supplement is permitted by authority of Public Service Commission, Second District, State of New York, Special Permission No. 7097 of date August 17, 1918."

No. 7098; August 19, 1918; Dansville and Mount Morris Railroad Company, A. S. Murray, jr., Receiver:

Ordered: That on application therefor dated August 17, 1918, the Dansville and Mount Morris Railroad Company, A. S. Murray, jr., Receiver, be and it is hereby authorized to file on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing therein a rate of 6¢ per 100 pounds on Green Corn in the husk, carloads, minimum weight as specified in Official Classification in effect at time of shipment between any two stations on the line of the Dansville and Mount Morris railroad. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given.

No. 7099; August 27, 1918; United Traction Company:

Ordered: That on its application therefor dated August 26, 1918, the United Traction Company be and is hereby authorized to file, on not less than five days' notice to the public and Commission and within thirty days from the date hereof, a supplement to its local tariff of passenger fares, P. S. C., 2 N. Y., No. 12, changing the rate for the sale of school tickets and the conditions of sale and use to provide for the sale of school tickets in strips of ten coupons each of face value 6 cents at 30 cents per strip to school children under seventeen years of age, subject to the conditions of

sale and use as set forth in said application, which application is hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given.

Completed by supplement No. 2 to P. S. C. No. 12, effective September 3, 1918.

No. 7100; August 27, 1918; R. N. Collyer, Agent:

Ordered: That on application therefor dated August 26, 1918, R. N. Collyer, agent, duly appointed to file Official Classification and supplements thereto for carriers, be and is hereby authorized to file, as applicable to New York intrastate traffic, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 44 for the purpose of amending item 6, page 13, of supplement No. 24 to said tariff P. S. C., 2 N. Y., O. C. No. 44 to read as set forth in said application, which application is hereby made a part of this order. To permit the filing of such supplement the provisions of Rule 9 (e) of Circular No. 68 are waived so far as the number of supplements permitted to a tariff are concerned; otherwise this authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given, and it carries no approval of the rating or regulation which may be filed hereunder.

No. 7101; August 27, 1918; The New York Central Railroad Company:

Ordered: That on application therefor dated August 27, 1918, The New York Central Railroad Company; Boston and Maine Railroad (J. H. Hustis, Temporary Receiver); Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof); The New York, Chicago and St. Louis Railroad Company; The Pittsburg, Shawmut and Northern Railroad Company; and the West Shore Railroad (The New York Central Railroad Company, lessee) be and they are hereby authorized to file supplements to the said carriers' schedules containing "Rules and Regulations Governing Reconsignment and Diversion of Carload Freight", and numbered respectively P. S. C., 2 N. Y., N. Y. C. No. 4717; P. S. C., 2 N. Y., No. 777; P. S. C., 2 N. Y., No. A-688; P. S. C., 2 N. Y., No. 635; P. S. C., 2 N. Y., No. 697; and P. S. C., 2 N. Y., W. S. No. 1417, filed to become effective May 1, 1918, or later dates, for the purpose of further postponing until February 28, 1919, the operation and effect, as to New York state traffic, of rules and charges contained in said schedules governing grain, seed (field), seed (grass), hay or straw, carloads, held in cars on track for inspection and disposition orders incident thereto at billed destinations or at points intermediate thereto. Such postponement supplements may be issued and filed without observance of the requirements of Rule 9 (e) of this Commission's Circular No. 68, and may be effective same date as that to which said schedules are now postponed. This authority is given in order that uniform charges and practices may obtain as to New York state and interstate traffic, the Interstate Commerce Commission by its order of date August 10, 1918, in Investigation and Suspension Docket No. 1161, Reconsignment Case (No. 3) having suspended as to interstate traffic the said rules and charges until February 28, 1919, unless otherwise ordered by the Commission; it does not waive any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications except as noted, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 7102; August 15, 1918; Westcott Express Company:

Ordered: That on its application therefor dated August 14, 1918, the Westcott Express Company be and it is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty

days from the date hereof, a supplement to its through baggage tariff P. S. C., 2 N. Y., No. 35, changing, as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order, the regulations, rates, and charges, applicable to New York state traffic, for the Checking and Collection and Delivery of Baggage Handled in Special Delivery Service. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given, and it carries no approval of the rates or charges or regulations which may be established hereunder.

No. 7103; August 29, 1918; The New York Central Railroad Company:

Ordered: That on its application therefor dated August 28, 1918, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 11½ cents per 100 pounds to apply on carload shipments of Brick, minimum weight marked capacity of car (except when car is loaded to cubical capacity, when actual weight will apply), from Newton Hook, N. Y., via Fonda, N. Y., and the Fonda, Johnstown and Gloversville railroad, to Gloversville, N. Y. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given.

No. 7104; August 29, 1918; R. N. Collyer, Agent:

Ordered: That on application therefor dated August 27, 1918, R. N. Collyer, agent, duly appointed to file Official Classification and supplements thereto for carriers not under Federal control, be and is hereby authorized to file, as applicable to New York intrastate traffic, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 44 and provide specifications and ratings on Army Field Kitchens or Army Field Kitchen Limbers, Wheeled, Horse Drawn; less carloads and carloads, as stated in said application, which application to that extent is hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given, and it carries no approval of the specifications or ratings which may be filed hereunder.

No. 7105; August 21, 1918; Albany Southern Railroad Company:

Ordered: That on its application therefor dated August 21, 1918, the Albany Southern Railroad Company be and it is hereby authorized to file, on not less than one day's notice to the public and the Commission and within twenty days from the date hereof, a properly P. S. C., 2 N. Y. numbered tariff schedule establishing therein the passenger fares applicable for transportation over its lines within the city of Hudson heretofore authorized by this Commission in its order of date June 27, 1918, in case No. 6073; and discontinuing rates and regulations governing the sale of School Tickets, and rates for Chartered Cars, and regulations relative to such service now in effect. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications, except as to the notice to be given.

Completed by P. S. C. No. 142, effective September 1, 1918.

No. El.-50; August 21, 1918; Upper Hudson Electric and Railroad Company:

Ordered: That on its application therefor dated August 19, 1918, the Upper Hudson Electric and Railroad Company be and it is hereby authorized to file, on not less than twenty days' notice to the public and the Commission

and under an effective date of September 15, 1918, second revised leaf No. 5 to its general schedule of rates for Gas, P. S. C., 2 N. Y., No. 2, superseding thereby both original leaf No. 5 and first revised leaf No. 5, and reissue the matter now shown on said first revised leaf No. 5, Service Classification No. 1, without change except to correct, as shown in exhibit accompanying application which exhibit is hereby made a part of this order, the application of rates from "yearly" to "monthly" and also provide definite statement of discount period. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective September 15, 1918.

No. G-36; August 13, 1918; Williamsville Natural Gas Company:

Ordered: That under its application therefor dated August 13, 1918, the Williamsville Natural Gas Company be and it is hereby authorized to file, without notice to the public and the Commission and under an effective date of August 15, 1918, a revised leaf, No. 4, to its General Schedule for Gas, P. S. C., 2 N. Y., No. 1, for the purpose of changing its rate for Natural Gas from 40 cents to 50 cents per one thousand cubic feet. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by First Revised Leaf No. 4, effective August 15, 1918.

[Case No. 5088]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of September, 1918.

*Present:*CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration of the crossing at grade of a state highway and the Delaware, Lackawanna and Western Railroad near D., L. & W. Junction, in the town of Pavilion, Genesee county.

The Delaware, Lackawanna and Western Railroad Company by its chief engineer having verbally entered into a contract with H. F. Curtis of 1270 Broadway, New York city, on June 20, 1918, for the performance of the work of constructing the highway, which work was heretofore to be performed by the company, which verbal contract is confirmed by letters from said contractor and the railroad company dated respectively June 21 and June 20, 1918; and the Commission, after investigation and due consideration, being of the opinion that because of the present labor situation it would have been difficult if not impossible to have secured reasonable proposals as a result of competitive bidding; and the Commission being also of the opinion that the proposal of H. F. Curtis to do the necessary work on the basis of cost plus 10 per cent, with the provision that the railroad company assume liability for labor insurance and public liability, is not unreasonable, now therefore

Ordered: That the contract entered into on June 20, 1918, by The Delaware, Lackawanna and Western Railroad Company with H. F. Curtis of 1270 Broadway, New York city, be and the same is hereby approved.

[Case No. 6217]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of September, 1918.

*Present:*CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of GEORGE BULLOCK AS RECEIVER BUFFALO AND LAKE ERIE TRACTION COMPANY petition for permission to increase passenger fares on said company's railroad; and in the matter of tariffs filed with this Commission by said Receiver proposed to be effective September 8, 1918, increasing passenger fares on said company's railroad.

The Buffalo and Lake Erie Traction Company, George Bullock, Receiver, having on August 7, 1918, filed with this Commission passenger fare schedules known as supplement No. 8 to P. S. C., 2 N. Y., No. A-60; supplement No. 1 to P. S. C., 2 N. Y., No. A-120; P. S. C., 2 N. Y., No. A-141; and P. S. C., 2 N. Y., No. A-142; all proposed to become effective September 8, 1918, and issued as superseding its local passenger tariff of one-way, round-

trip, and commutation fares and mileage rates P. S. C., 2 N. Y., No. A-60, and in part its local passenger tariff of general commutation fares P. S. C., 2 N. Y., No. A-120, now in effect; and it appearing that by said passenger fares schedules, viz. supplement No. 8 to P. S. C., 2 N. Y., No. A-60; supplement No. 1 to P. S. C., 2 N. Y., No. A-120; P. S. C., 2 N. Y., No. A-141 and P. S. C., 2 N. Y., No. A-142; the rates of fare for passengers on said company's railroad would in certain instances be increased; and this Commission being of the opinion, because of the increases and the rates, regulations, and charges proposed, that it should on its own initiative and because of complaints received enter upon a hearing concerning the propriety of the proposed increased fares, and that pending hearing and decision such schedules should be suspended, it is

Ordered: That the operation of said schedules of the Buffalo and Lake Erie Traction Company, George Bullock, Receiver, known as supplement No. 8 to P. S. C., 2 N. Y., No. A-60; supplement No. 1 to P. S. C., 2 N. Y., No. A-120; P. S. C., 2 N. Y., No. A-141; and P. S. C., 2 N. Y., No. A-142, are hereby suspended for 60 days from and including September 8, 1918, to wit until and including November 6, 1918, and the putting in effect of the fares and regulations stated therein is hereby deferred for the same period unless this Commission in the meantime supersedes or modifies this order, after hearing.

It is further Ordered: That a copy of this order be filed with the Commission's copies of said Buffalo and Lake Erie Traction Company's, George Bullock, Receiver, tariff schedules supplement No. 8 to P. S. C., 2 N. Y., No. A-60; supplement No. 1 to P. S. C., 2 N. Y., No. A-120; P. S. C., 2 N. Y., No. A-141; P. S. C., 2 N. Y., No. A-142; and that the aforesaid carrier shall publish, post, and file a supplement to said tariff schedules giving due notice of this suspension.

[Case No. 6334]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the EMPIRE STATE RAILROAD CORPORATION's proposed new local and joint passenger tariff P. S. C., 2 N. Y., No. 6.

By order dated the 11th day of July, 1918, the Empire State Railroad Corporation's passenger tariff P. S. C., 2 N. Y., No. 6, filed to take effect August 1, 1918, was suspended, and the use of the rates, fares, and charges in schedules contained were deferred until September 30, 1918. Upon consideration and without prejudice to the further investigation by this Commission of the reasonableness and justness of the rates, fares, and charges contained, it is

Ordered: 1. That the order of this Commission in this case dated the 11th day of July, 1918, suspending the operation of said Empire State Railroad Corporation's passenger tariff P. S. C., 2 N. Y., No. 6, and deferring the use of the rates, fares, and charges contained therein until September 30, 1918, be vacated midnight September 8, 1918.

2. That a copy of this order shall be filed with the Commission's copy of said Empire State Railroad Corporation's passenger tariff P. S. C., 2 N. Y., No. 6, and that the said railroad corporation shall publish, post, and file a supplement thereto in the manner prescribed in the Commission's Circular No. 68.

[Case No. 6442]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF WEST SENECA, Erie county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY as to maintenance of roadway and sidewalk on a bridge and approaches thereto.

By order dated July 30, 1918, in this matter, The New York Central Railroad Company was directed to repair the roadway and approaches of the bridge carrying Clinton street over its railroad in the town of West Seneca, Erie county. Said company subsequently filed a petition praying, for reasons stated therein, for a rehearing of said matter. In the judgment of this Commission, there not being made to appear sufficient reason for a rehearing in this matter, it is

Ordered: That the application of The New York Central Railroad Company for rehearing in said matter is hereby denied.

[Case No. 6479]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition (or complaint) of WESTERN NEW YORK AND PENNSYLVANIA TRACTION COMPANY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

On the facts found and for the reasons stated in the accompanying Opinion, it is

Ordered: 1. That the Western New York and Pennsylvania Traction Company be and it is hereby authorized to charge and collect for the transportation of a passenger on its cars within the municipal limits of the cities of Olean and Salamanca, or of the villages of Bolivar, Portville, Allegany, Little Valley, and Limestone, a maximum cash fare of 7 cents; and in so far as traffic within this State is involved, to charge and collect for the transportation of a passenger between other points on its lines a cash fare not exceeding 3½ cents per mile, except that when in the computation of such fares the result obtained ends in a fractional part of a cent, such fractions shall be disregarded and dropped; and except further that the minimum fare for the transportation of any passenger may be 7 cents, but no passenger making a continuous trip on the same car or connecting cars through the cities of Olean or Salamanca, or through any incorporated village on the line of said company's railroad, shall be charged more than 7 cents for transportation through such municipalities.

2. That upon payment of proper fare, transfers shall be issued between interurban line cars and between interurban line cars and cars of any city line intersected thereby, operated in Olean or Salamanca, entitling holder to transportation on connecting line cars to points within city limits.

It is also Ordered: That the Western New York and Pennsylvania Traction Company be and it is hereby authorized to publish and file with the Commission, in the manner provided in the Public Service Commissions Law and the regulations of the Commission established thereunder, a passenger tariff containing the fare schedules, charges, regulations, and practices herein prescribed, effective on not less than five days' notice to the public and the Commission; and that the fare schedules, charges, regulations, and practices herein prescribed may continue in effect as maximum fares, charges, regulations, and practices, unless otherwise ordered by the Commission, until one year from the date of the signing of a general treaty of peace between this and other countries now at war.

[Case No. 6535]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of ROCHESTER RAILWAY AND LIGHT COMPANY under section 69, Public Service Commissions Law, for authority to make a refunding and improvement mortgage and to issue now \$3,900,000 in 7 per cent 3-year bonds to be secured thereby.

Petition filed August 6, 1918; report of division of capitalization dated August 26, 1918; order entered August 27, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the form of mortgage dated September 1, 1918, which the Rochester Railway and Light Company was authorized by order herein dated August 27, 1918, to execute and deliver to the Bankers Trust Company of New York as trustee, to secure an issue of 3-year 7 per cent general mortgage gold bonds, a copy of which indenture has been filed with the Commission herein under date of August 31, 1918, is hereby approved.

2. That upon the execution and the delivery of said mortgage heretofore authorized and herein approved there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

3. That the Rochester Railway and Light Company is hereby permitted to sell \$3,900,000 face value of its 3-year 7 per cent general mortgage gold bonds authorized to be issued by order herein dated August 27, 1918, for not less than 95 per cent of their face value, to realize net proceeds of at least \$3,705,000, and to apply such proceeds toward the purposes described in clause No. 3 of said order, viz. for the discharge of bills and accounts payable, aggregating \$3,949,474.52, outstanding at June 30, 1918.

4. That in all other respects the terms and conditions of the order herein dated August 27, 1918, shall remain in full force and effect.

[Case No. 5290]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the EDISON ELECTRIC LIGHT AND POWER COMPANY OF AMSTERDAM, N. Y., under section 69 of the Public Service Commissions Law for authority to issue \$327,000 common capital stock, a first mortgage for \$1,500,000, and \$350,000 in 5 per cent bonds to be secured by said mortgage.

Petition filed November 9, 1915; certified copy of agreement of consolidation of Edison Electric Light and Power Company of the City of Amsterdam, N. Y., and the Amsterdam Arc Light Company, filed November 20, 1915; proposed form of mortgage filed February 7, 1916; report of division of capitalization dated February 9, 1916; report of electrical engineer dated February 25, 1916; final report of division of capitalization dated March 6, 1916; hearing held March 28, 1916; supplemental petition filed March 30, 1916; order entered April 4, 1916; supplemental order entered June 13, 1916; supplemental petition filed February 28, 1918; report of division of capitalization dated March 8, 1918; order entered March 12, 1918; supplemental petition filed September 3, 1918; report of division of capitalization dated September 6, 1918. Now, therefore, upon the foregoing record,

Ordered: That clause No. 15 of the order herein dated April 4, 1916, as subsequently amended, is hereby further modified and amended in such manner as to extend the time in which the Edison Electric Light and Power Company of Amsterdam, N. Y., shall make application to the Commission regarding the method to be used in the reduction of its corporate deficit to December 1, 1918.

[Case No. 6276]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petitions of MIDDLEPORT GAS AND ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$20,000 common capital stock, a first mortgage, and \$40,000 in 5½ per cent 40-year gold bonds to be secured by said mortgage.

Petition filed November 26, 1917; hearing held March 13, 1918; report of division of capitalization dated May 17, 1918; report of division of light, heat, and power dated July 17, 1918; final report of division of capitalization dated August 9, 1918. Now, therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated August 9, 1918, a copy of which shall be served upon the corporation, such entries

being listed on pages 9 and 10 thereof, shall be entered upon the books of the Middleport Gas and Electric Light Company; and that within thirty days of the service of this order verified proof that such entries have made shall be submitted to the Commission.

2. That the Middleport Gas and Electric Light Company is hereby authorized to execute and deliver to the Bankers Trust Company of Buffalo as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property dated the 1st day of October, 1918, to secure an issue of twenty-year mortgage bonds to the aggregate amount of \$40,000 face value, bearing interest at the rate of 5½ per cent per annum, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

4. That the Middleport Gas and Electric Light Company is hereby authorized to issue \$40,000 face value of its 5½ per cent twenty-year mortgage bonds under the aforesaid mortgage, which bonds may be sold for not less than 90 per cent of their face value to realize net proceeds of at least \$36,000.

5. That the Middleport Gas and Electric Light Company is hereby authorized to issue \$20,000 of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$20,000.

6. That the proceeds of said stock and bonds so authorized, which shall not be less than \$56,000, shall be used solely and exclusively for the following purposes:

(a) To discharge 6% demand notes outstanding at December 31, 1917, or the renewals thereof, as follows:

E. Knapp	\$2,000.00
E. Knapp	1,000.00
Niagara County National Bank.....	20,000.00
National Exchange Bank.....	15,000.00

\$38,000.00

(b) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the period from December 31, 1912, to December 31, 1917, inclusive, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....

20,592.99

\$58,592.99

Amount unprovided for **\$2,592.99**

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Middleport Gas and Electric Light Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Middleport Gas and Electric Light Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what securities have been sold during such period; (b) the dates of such sales; (c) To whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause No. 5 of this order there shall be shown in detail the amount of the proceeds of the securities herein authorized which has been expended during such period for the purpose specified

therein; (g) with respect to subdivision (b) of clause No. 5 of this order there shall be shown the amount of the proceeds of the securities herein authorized which has been used during such period for the purpose specified therein. Such reports shall continue to be filed until all of said securities shall have been sold and the proceeds expended or used in accordance with the authority contained herein, and if during any period no securities were sold or proceeds expended or used the report shall set forth such fact.

9. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

10. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes described in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6339]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of the COUNCIL OF THE CITY OF NEWBURGH and THE NEW YORK CENTRAL RAILROAD COMPANY under section 91 of the Railroad Law for an alteration in the manner in which South street crosses the tracks of the West Shore railroad (leased to and operated by The New York Central Railroad Company) in the city of Newburgh.

A plan entitled "West Shore R. R. Leased and Operated by N. Y. C., R. R. Co. Buffalo and east. River division. Proposed E. G. C. South street at Newburgh. Engineering Department. Scale 1"=50'. New York, August 22, 1917. Issue No. A." having been filed by The New York Central Railroad Company (lessee of the West Shore Railroad), showing the proposed elimination of the grade crossing of South street over the tracks of the West Shore railroad at Newburgh, which plan has been duly approved by the proper official of the said railroad as indicated by the signature of its chief engineer, and also by the City of Newburgh as indicated by the signature of its mayor; and said plan conforming in every respect to the requirements of the order of this Commission dated July 23, 1918, in the matter above entitled, now therefore

Ordered: That said plan showing the work to be done in the elimination of South Street grade crossing in the city of Newburgh be and hereby is approved.

406 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6424]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of Complaints of Commuters *against*
ROCHESTER AND SYRACUSE RAILROAD COMPANY, INC.,
as to proposed increase in commutation passenger
fares.

Complaints having been filed against the commutation rates included in
tariff filed by the Rochester and Syracuse Railroad Company effective May
5, 1918; and a hearing having been held before the Commission and the
Commission having found for the reasons stated in the accompanying Opinion
that the said rates are not unjust or unreasonable, therefore it is

Ordered: That the complaints be and they hereby are dismissed, with
permission to complainants at any time after the 1st day of May, 1919, to
make an application to reopen the proceeding.

[Case No. 6518]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of tariff filed with this Commission by
FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD
COMPANY, described as P. S. C., 2 N. Y., No. 353,
effective August 1, 1918, local and interurban pas-
senger tariff.

This case having been subject to investigation by the Commission, and all
parties appearing at the hearing thereon having been heard; and it appearing
to the Commission that the revisions proposed by respondent will operate to
remedy the conditions complained of, and that the respondent has shown its
needs for increased operating revenue, it is

Ordered: 1. That the Fonda, Johnstown and Gloversville Railroad Com-
pany be and it is hereby authorized to publish, post, and file with the
Commission, on not less than one day's notice to the public and the Commis-
sion and within fifteen days from the date of this order, a passenger tariff
as superseding such company's present passenger tariff P. S. C., 2 N. Y.,
No. 353, and provide therein new fare schedules to apply between points on
its electrically operated lines based generally on rate of three cents per mile,
with a minimum fare of six cents between points where the distance hau:
is less than two miles, except that such minimum fares are in no case to
apply in instances where a fare is held by statutory requirement or municip-
al franchise to not exceed five cents; and excepting further that certain
fares may be increased above the general base rate per mile in order that no
greater charge may be made as a through rate than the aggregate of the
intermediate rates. Such tariff is also to provide for the restoration of such

transfer privileges as were in effect prior to August 1, 1918; also for a fare of six cents to apply on Amsterdam City line cars and between Amsterdam and Fort Johnson; also for the sale of strip tickets of five rides for thirty cents to apply between Johnstown and Sulphur Springs Junction, with the condition that such tickets will not be accepted as part payment of any through fare between points as to which the city of Johnstown or Sulphur Springs Junction are intermediate. Such tariff may also include revised charges for 54-trip commutation tickets and 46-trip school tickets such as the company may desire to establish, all such charges in no case to be greater than the charges now provided. The rates, fares, charges, rules, and regulations which may be established under this order are in nowise approved by the Commission, but may be made the subject of complaint to the Commission in manner provided in the Public Service Commissions Law.

2. Upon receipt by the Commission of the new tariff herein authorized this case will be considered as closed.

[Case No. 6543]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of AMERICAN CONDENSER AND ENGINEERING CORPORATION under section 53, Public Service Commissions Law, for permission to construct, and for approval of a franchise from the city to construct, a single track switch and siding in Plattsburgh, crossing Margaret street at grade.

On August 17, 1918, a petition was filed with this Commission by the American Condenser and Engineering Corporation, a corporation engaged in the manufacture of condensers in the city of Plattsburgh, requesting permission to construct and operate a siding into its machine shop building located on the westerly side of Margaret street near the northerly limits of said city. This siding will connect with a siding now constructed which extends from a connection with The Delaware and Hudson Company's railroad north of its Plattsburgh station to the plant of the Talbott Boiler Corporation, formerly the Lozier Motor Company's plant. A franchise granted by the mayor and common council of the City of Plattsburgh permitting the American Engineering and Condenser Corporation to construct, operate, and maintain said proposed siding has been submitted in evidence. A hearing was held on August 27, 1918, at which The Delaware and Hudson Company appeared and stated that the company was not opposed to the granting of the petition, but that on account of the very short radius of the curve in the siding, which can not be increased, it would not be able to operate its locomotives over it; that on this account it could not accept an assignment of the above mentioned franchise. The American Condenser and Engineering Corporation is not a railroad corporation or a common carrier; and since The Delaware and Hudson Company has shown that it can not operate the proposed siding, this Commission is obviously without jurisdiction in this matter. Now therefore

Ordered: That the petition in the above entitled matter be and the same is hereby dismissed.

408 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6577]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY for the approval of equipment agreement series K with the Central Union Trust Company of New York as trustee, dated August 1, 1918; and for permission to issue equipment bonds thereunder pursuant to section 55 of the Public Service Commissions Law.

Petition filed September 3, 1918; report of division of capitalization dated September 6, 1918. Now, therefore, upon the foregoing record,

Ordered as follows: 1. That the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to execute and deliver to the Central Union Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain agreement dated the 1st day of August, 1918, to secure an issue of equipment bonds, series K, to the aggregate amount of \$1,200,000 face value, which mature serially as set forth in said agreement, bearing interest at the rate of 6 per cent per annum, a copy of which agreement has been filed with the papers herein, and that the form thereof so filed is hereby approved.

2. That upon the execution and the delivery of said agreement so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the agreement as executed and delivered is the same as that herein approved by the Commission.

3. That the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to issue \$1,200,000 face value of its 6 per cent equipment bonds, series K.

4. That said bonds of the total face value of \$1,200,000 may be sold for not less than their face value to realize net proceeds of at least that amount.

5. That proceeds of said bonds so authorized, which will not be less than \$1,200,000, shall be used solely and exclusively for the purchase of the following equipment from the American Locomotive Company:

5 superheater Pacific type passenger locomotives.....	\$237,750
1 Mallet articulated compound superheater engine.....	92,500
4 superheater 8-wheel switching locomotives.....	165,800
15 Mallet articulated compound superheater engines.....	1,077,750

Total estimated cost of equipment to be purchased.....	\$1,573,800
Cash to be provided from the treasury of the petitioner.....	373,800

\$1,200,000

6. That if the said bonds of a total face value of \$1,200,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,200,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Buffalo, Rochester and Pittsburgh Railway Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Buffalo, Rochester and Pittsburgh Railway Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) the amount expended in reasonable detail of the proceeds of the bonds herein authorized for the purposes specified herein during such period and the account or accounts to which such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6365]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District held in the city of Albany on the 12th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNEL,
JEROME L. CHENEY,
Commissioners.

In the matter of jurisdiction of this Commission of
ALLEGANY TELEPHONE COMPANY.

In this matter, by order dated February 26, 1918, Allegany Telephone Company was ordered to show cause before the Commission why it should not make reports to and in other respects be subject to the supervision of the Commission under the Public Service Commissions Law. Extension of time was granted so that the matter never came on for hearing. Under date of July 26th there is filed with the Commission a statement from Allegany County Telephone Company that it has merged the Allegany Telephone Company. Subsequently there was filed with the Commission a letter from Allegany County Telephone Company stating that no local franchise was transferred in this merger, and this being so, approval of this Commission to the merger is not required. Allegany Telephone Company thus being brought under the jurisdiction of this Commission, it is

Ordered: That this case is hereby closed on the records of the Commission.

410 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6366]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District held in the city of Albany on the 12th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of jurisdiction of this Commission of
TUSCARORA TELEPHONE COMPANY.

In this matter, by order dated February 26, 1918, Tuscarora Telephone Company was ordered to show cause before this Commission why it should not make reports to and in other respects be subject to the supervision of the Commission under the Public Service Commissions Law. Extension of time was granted so the matter never came on for hearing. Under date of July 30, 1918, there is filed with the Commission a letter from Kenefick, Cooke, Mitchell and Bass, attorneys of said company, to the effect that the company considers itself under the jurisdiction of this Commission. Under these circumstances it is

Ordered: That this case is hereby closed on the records of this Commission.

[Case No. 6367]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District held in the city of Albany on the 12th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of jurisdiction of this Commission of
THOUSAND ISLAND TELEPHONE COMPANY.

In this matter, by order dated February 26, 1918, Thousand Island Telephone Company was ordered to show cause before this Commission why it should not make reports to and in other respects be subject to the supervision of the Commission under the Public Service Commissions Law. Under date of March 6, 1918, there was filed with the Commission a letter from R. B. Hibbard, secretary and manager of the company, to the effect that the company considers itself under the jurisdiction of this Commission. Under these circumstances it is

Ordered: That this case is hereby closed on the records of this Commission

[Case No. 6544]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District held in the city of Albany on the 12th day of September, 1918.

Present:CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of MORAVIA ELECTRIC LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$3000 in 6 per cent bonds under an existing mortgage.

Petition filed August 15, 1918; report of division of light, heat, and power dated September 4, 1918; report of division of capitalization dated September 10, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Moravia Electric Light, Heat and Power Company is hereby authorized to issue \$3000 face value of its 6 per cent 40-year first mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of February, 1916, given to William E. Greenfield of the town of Moravia, Cayuga county, N. Y., as trustee, to secure an authorized issue of bonds of a total face value of \$30,000.

2. That said bonds of the total face value of \$3000 may be sold for not less than their face value to realize net proceeds of at least \$3000.

3. That the proceeds of said bonds so authorized, which shall not be less than \$3000, shall be used solely and exclusively for the purpose of purchasing and installing one 80-hp. boiler, with feed pump, feed water heater, and injector, and one Atlas 10x15 slide valve engine and all equipment connected therewith, which boiler and engine are to be purchased from the Empire Gas and Electric Company, and are second-hand property originally the property of the Weedsport Company, \$3000, in so far as the same may be applicable, provided (1) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (2) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of the proceeds realized from the sale of such bonds over the actual costs thereof shall be used for any purpose without the further order of this Commission; (3) that the unit prices contained in paragraph 5 of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Moravia Electric Light, Heat and Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That the Moravia Electric Light, Heat and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold during such period; (b) the dates of

such sales; (c) to or with whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount of the proceeds of the bonds herein authorized which has been expended during such period for the purpose specified herein and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purpose have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for such purpose during the period covered by the report; (h) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or proceeds expended the report shall set forth such fact.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not reasonably chargeable to operating expenses or to income except to the amount of \$1838.20.

[Case No. 6568]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of a schedule of passenger fares filed by
ALBANY SOUTHERN RAILROAD COMPANY with this
Commission July 5, 1918, and complaint in reference
thereto.

The consideration of this matter not having been concluded, it is

Ordered: That the operation of schedule of Albany Southern Railroad Company known as local passenger tariff P. S. C., 2 N. Y., No. 141, is hereby further suspended for sixteen days, to wit from and including September 16, 1918, to and including October 1, 1918; and the putting in effect of the fares and regulations stated therein is hereby deferred for the same period unless this Commission in the meantime vacates, supersedes, or modifies this order.

Further Ordered: That a copy of this order be filed with the Commission's copy of said Albany Southern Railroad Company's tariff P. S. C., 2 N. Y., No. 141, and that said company shall publish, post, and file a supplement to said tariff giving due notice of this further suspension.

[Case No. 6583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariff filed by the SCHENECTADY RAILWAY COMPANY designated as its P. S. C., 2 N. Y., No. 22, proposing increased fares, rates, charges, etc.

It appearing that there has been filed with this Commission by the Schenectady Railway Company a passenger tariff containing schedules stating proposed new individual fares, charges, and regulations and practices affecting such fares and charges, to become effective October 7, 1918, designated as follows: Schenectady Railway Company local passenger tariff P. S. C., 2 N. Y., No. 22,

Ordered: That this Commission, upon its own motion and upon protests filed with it by various patrons of said railway company, shall, without formal pleading, enter upon a hearing concerning the propriety of the proposed new fares and charges and regulations and practices stated in the schedules contained in said local passenger tariff.

It further appearing that said schedules propose to make certain increases in fares or charges and rules and regulations applying in connection therewith for transportation of passengers between points upon its line, and that the interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of the schedules contained in said specified tariff should be postponed pending said hearing and decision thereon, it is

Further Ordered: 1. That the operation of the tariff containing the proposed new schedule be and it is hereby suspended, and that the use of the fares, charges, regulations, and practices therein stated be and they are hereby deferred until the 1st day of November, 1918.

2. That a copy of this order be filed with said tariff in the office of this Commission, and that a copy hereof be served upon the Schenectady Railway Company; and that said Schenectady Railway Company be and it is hereby made respondent to this proceeding, and that it be duly notified that a hearing thereon will be held at the office of the Commission, No. 58 North Pearl street, in the city of Albany, N. Y., on the 24th day of September, 1918, at 2 o'clock p. m.

3. That a copy of this order be sent to each and every complainant, and that they be notified that they may appear and be heard at said hearing.

[Case No. 6471]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of HORSEHEADS TRANSPORTATION PROTECTIVE ASSOCIATION ET AL. *against* **Fourth**
ELMIRA WATER, LIGHT AND RAILROAD COMPANY as **amendatory**
to proposed increased fare. **order.**

This Commission, by order of date June 19, 1918, suspended the operation of certain passenger tariffs filed to become effective June 20, 1918, designated as follows: Elmira Water, Light and Railroad Company passenger tariffs P. S. C., 2 N. Y., Nos. 5 and 6; and deferred the use of the fares, charges, regulations, and practices therein stated until July 20, 1918; and by an amendatory order of date July 9, 1918, said suspension order was vacated and set aside as of July 14, 1918, so far as it related to Elmira Water, Light and Railroad Company's passenger tariff P. S. C., 2 N. Y., No. 6, and the schedules containing the proposed fares, charges, regulations, and practices to apply to passenger traffic transported between Horseheads, N. Y., and Watkins, N. Y., and intermediate points. The Commission not having been able to complete its investigation by July 20, 1918, the tariffs were further suspended by second amendatory order dated July 16, 1918; and still further suspended by third amendatory order dated August 15, 1918, until and including September 17, 1918. It now appearing that the Commission can not complete its investigation on or before September 17, 1918, it is

Ordered: 1. That the operation of the Elmira Water, Light and Railroad Company's passenger tariffs P. S. C., 2 N. Y., No. 5, and P. S. C., 2 N. Y., No. 6, so far as the latter relates to the schedules containing proposed fares, charges, regulations, and practices to apply to passenger traffic transported between points other than Horseheads, N. Y., and Watkins, N. Y., and intermediate points, be and they are further suspended until and including October 1, 1918, and that the use of the fares, charges, regulations, and practices therein stated, except as otherwise provided herein, be and they are hereby deferred until and including October 1, 1918.

2. That a copy of this order be filed with said tariff publications in the office of this Commission, and that copy hereof be served on the Elmira Water, Light and Railroad Company; and said company be and it is hereby directed to publish and file with the Commission proper tariff amendments containing notice hereof, in accordance with the provisions of Rule 33 (i) of this Commission's Circular No. 68.

[Case No. 5994]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of CONSUMERS OF GAS IN THE INCORPORATED VILLAGE OF BROCKPORT, Monroe county, *against* BROCKPORT GAS LIGHT COMPANY, protesting against a maintenance or service charge of twenty-five cents per gas meter per month, effective May 1st.

Due notice of hearing of the above entitled matter to be held at the courthouse in the city of Rochester on the 24th day of August, 1918, at 10:30 o'clock a.m., having been served upon the attorney for the complainants and upon Frank G. Constable, esq., one of the complainants, and upon the attorney for the Brockport Gas Light Company, and upon the assistant secretary of the Brockport Gas Light Company; and Commissioner Barhite having been present at the time and place named in said notice, and no one having appeared in behalf of the complainants, and the Brockport Gas Light Company having appeared by James Mann, esq., its attorney; and a motion having been made on behalf of the Brockport Gas Light Company to dismiss the complaint; and the Commissioner presiding having dismissed the complaint with the understanding that complainants should have until September 7, 1918, to appear and make a motion to reopen the case if they desired so to do. No application having been made by the complainants in said case, it is

Ordered: That the complaint in the above entitled case be and the same is hereby dismissed and said case closed on the books of the Commission.

[Case No. 6435]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of the TRUSTEES OF THE INCORPORATED VILLAGE OF FALCONER, Chautauque county, *against* PENNSYLVANIA GAS COMPANY as to proposed discontinuance of furnishing natural gas in said village.

The trustees of the Village of Falconer having brought this proceeding to prevent the Pennsylvania Gas Company, hereinafter called the Gas Company, from shutting off the supply of natural gas furnished by said Gas Company to said village and its inhabitants; and said Gas Company having made answer to the complaint of said trustees; and the issues having come on to be heard before Commissioner Barhite at the office of the Commission in the city of Buffalo, New York, at which time the complainants appeared by

Walter H. Edson, esq., their attorney, and the respondent by Messrs. Fisher and Fisher, its attorneys, and the respective parties having offered their proofs, it is

Ordered: That the Pennsylvania Gas Company be and it is hereby directed not to shut off or limit the supply of natural gas furnished by it to the village of Falconer, New York, without the written permission of this Commission except as hereinafter directed and permitted.

Further Ordered: That all customers of the Pennsylvania Gas Company be and the same are hereby divided into two general classes, to be known as "Domestic Consumers" and "Industrial Consumers"; that "Domestic Consumers" shall include the users of natural gas for heating, lighting, and cooking in private houses, boarding houses, and apartment houses, and users of natural gas for lighting and cooking only in hotels, restaurants, bakeries, eating places, club houses, hospitals, and charitable institutions; that all other customers shall be known as "Industrial Consumers". That from and including the first day of December in each and every year until and including the thirty-first day of March in the succeeding year, no natural gas shall be furnished by the Pennsylvania Gas Company to any "Industrial Consumer" within the village of Falconer for any purpose without the special permission of this Commission except as hereinafter specified and directed.

Further Ordered: That from and including the first day of December in each and every year until and including the thirty-first day of March in the succeeding year, no "Domestic Consumer" shall be permitted to use more than twenty-five thousand cubic feet of natural gas in any one month, counting any thirty successive days during the period above named as one month, nor more than a corresponding part of said twenty-five thousand cubic feet for a proportionate part of said thirty days; and no "Domestic Consumer" shall be permitted to use gas in a furnace not originally constructed for the use of gas; that said Pennsylvania Gas Company is hereby directed to discontinue all service to all customers who neglect or refuse to obey this order. That the provisions of this order shall not apply to any customer of the Pennsylvania Gas Company in the village of Falconer or elsewhere who shall be engaged in any business deemed essential by the United States Government for its use in the conduct of the war in which the Government is now engaged, and in which business the Government of the United States deems the use of natural gas to be necessary.

Further Ordered: That the Pennsylvania Gas Company shall within ten days after the receipt by it of a copy of this order notify the Commission whether the terms of this order are accepted and will be obeyed.

[Case No. 6451]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARRITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the complaint of the STATES METALS Co., INC., of Mellenville, Columbia county, *against* CHATHAM ELECTRIC LIGHT, HEAT AND POWER COMPANY, asking that three-phase current be furnished.

The complainant having filed its petition with this Commission asking that the Chatham Electric Light, Heat and Power Company, hereinafter called the Chatham Company, be required to furnish three-phase electric

power to the plant of the complainant, States Metals Co., Inc., situated at or near Mellenville, in the county of Columbia, New York, in a quantity sufficient for the needs of the complainant at said plant; and the Chatham Company having appeared and by answer joined issue upon the allegations contained in the petition; and the case having come on for trial before Commissioner Barhite at the office of the Commission in the city of Albany, New York, at which time the complainant appeared by Messrs. Scott, Gerard & Bowers, its counsel; and the respondent appeared by John C. Dardess, esq., its counsel; and the parties having submitted evidence in support of their respective contentions; and it appearing to this Commission from said evidence that the Chatham Company should be required to furnish adequate three-phase electric power to the States Metals Co., Inc., at the plant of said company at or near Mellenville, in the county of Columbia, New York, and that to require such service is just and reasonable,

Ordered: That the Chatham Electric Light and Power Company be and it is hereby required and directed to furnish three-phase electric power to the States Metals Co., Inc., at the plant of said company at or near Mellenville, in the county of Columbia, New York, in quantity sufficient to meet the needs of said company; said Chatham Company shall add a third wire to its line from Chatham to the plant of the States Metals Co., Inc., at Mellenville, and supply such necessary transformers and other apparatus as may be necessary to furnish said three-phase power to said States Metals Co., Inc. If the requirements of this order can be fully met by said Chatham Company by adding a third wire to its line from Ghent to the plant of the States Metals Co., Inc., then said third wire may be strung between said two points, in the discretion of the Chatham Company. Work upon said lines shall be begun immediately and finished as soon as possible.

Further Ordered: That said States Metals Co., Inc., shall enter into a contract with the Chatham Company wherein and whereby said States Metals Co., Inc., shall agree to purchase from said Chatham Company at least 9000 kilowatt hours per month of three-phase electric energy for a period of two years from the time said power shall first be furnished, at the rate prescribed in the schedule filed with the Commission; and in addition shall agree to furnish, at its own expense, the transformer or transformers needed to reduce said electric power from the voltage at which it is furnished to the States Metals Co., Inc., to the voltage required to operate the plant of said company, said transformers to be and remain the property of the last named company. If the rate now prescribed in the schedules filed with this Commission by the Chatham Company shall not be sufficient to give to said company a fair and reasonable profit for the electric current furnished by it to the States Metals Co., Inc., then and in that instance the States Metals Co., Inc., and the Chatham Company may agree upon the rate to be charged; or if they are not able to agree, either company may, upon five days' notice to the other company, apply in this proceeding to this Commission to fix the rate to be charged by the Chatham Company to the States Metals Co., Inc., for electric current; and when said rate shall be fixed, either by agreement between the parties or by the order of this Commission, the Chatham Company shall cause its schedules filed with this Commission to be amended to conform to the rate so fixed, and said amended schedule shall become effective upon five days' notice.

Further Ordered: That neither negotiations pending between the parties to fix the rates to be charged nor any proceeding before this Commission for the same purpose shall be deemed to be a sufficient cause for delay in making and furnishing the improvements hereinbefore directed to be made for the purpose of furnishing three-phase power to the States Metals Co., Inc.

Further Ordered: That the Chatham Company and the States Metals Co., Inc., shall each, within ten days after the receipt by it of a copy of this order, notify this Commission whether the terms of this order are accepted by it and will be obeyed.

418 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6552]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

Petition of KAYDEROSS RAILROAD CORPORATION under section 53, Public Service Commissions Law, as to operation of a railroad now constructed.

Appearances: Horace E. McKnight, Attorney, Kaydeross Railroad Corporation; J. F. Donnelly for the State Highway Department.

A petition under section 53, Public Service Commissions Law, having been filed with this Commission by the Kaydeross Railroad Corporation for permission and approval to the maintenance and operation by said corporation of the railroad and franchises of the former Eastern New York Railroad Company; and a public hearing on said petition, after due notice, having been held by this Commission in the city of Albany on September 10, 1918; and it appearing that the railroad in question is and has been in operation for many years, and that while a street surface railroad it carries much freight as well as passengers, and that this petitioner acquired it after foreclosure sale; and this Commission hereby determining from the papers and evidence that its continued operation is necessary and convenient for the public service, it is

Ordered: That this Commission under section 53, Public Service Commissions Law, hereby permits and approves the maintenance and operation by Kaydeross Railroad Corporation of the railroad and franchises formerly owned by Eastern New York Railroad Company, said railroad extending from the junction of Bath and Washington streets, in the village of Ballston Spa, through the towns of Milton and Greenfield to the hamlet of Middle Grove, all in Saratoga county, N. Y., a distance of approximately ten miles.

[Case No. 6553]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of KAYDEROSS RAILROAD CORPORATION under section 55 of the Public Service Commissions Law for authority to issue \$100,000 in common capital stock.

Petition filed August 19, 1918; report of division of capitalization dated September 6, 1918. Now, therefore, upon the foregoing record,

Ordered as follows: 1. That the Kaydeross Railroad Corporation is hereby authorized to acquire from Edward M. Brown and [or] Irving W. Wiswall all of the properties, franchises, rights, etc., of the former Eastern New York Railroad Company.

2. That the Kaydeross Railroad Corporation is hereby authorized to issue \$60,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$60,000.

3. That the proceeds of said stock so authorized, which shall not be less than \$60,000, shall be used solely and exclusively for the following purposes:

(a) For the acquisition of the railroad property and appurtenances, rights, and franchises formerly owned by the Eastern New York Railroad Company which were sold at foreclosure sale on the 23rd day of May, 1918, consisting of about ten miles of electric railroad between Ballston Spa and Middle Grove, N. Y., and the appurtenances and equipment thereof.....	\$56,000.00
(b) For rehabilitation, incorporation, and organization expenses, etc..	4,000.00
	<hr/> \$60,000.00

4. That the Kaydeross Railroad Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount of such proceeds used during such period for the purposes specified in this order. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or proceeds used the report shall set forth such fact.

5. That the Kaydeross Railroad Corporation shall charge to the prescribed accounts under the Uniform System of Accounts for Electric Railroad Corporations the actual cost to it of the property of the former Eastern New York Railroad Company, which cost shall be \$56,000; and that the company shall within thirty days after the acquisition of such property file a detailed report showing the allocation to such prescribed accounts of this purchase price and the other expenses in the equipping and rehabilitating of the property, which allocation shall be subject to the approval of this Commission.

6. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions thereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Petition of the **POUGHKEEPSIE CITY AND WAPPINGERS FALLS ELECTRIC RAILWAY COMPANY** under subdivision 10, section 8, Railroad Law, for consent to the making of a first refunding mortgage for \$2,000,000; and under section 55, Public Service Commissions Law, for authority to issue now \$496,000 in 5 per cent 40-year gold bonds to be secured thereby.

Amendatory
order.

Petition filed November 13, 1916; certified copy of articles of incorporation filed November 23, 1916; report of division of capitalization dated January

8, 1917; report of division of steam roads dated January 15, 1917; hearing held February 13, 1917; copy of proposed mortgage filed February 27, 1917; report of division of capitalization dated March 27, 1917; order entered March 28, 1917; supplemental report of division of steam roads dated August 16, 1917; revised form of mortgage filed November 22, 1917; reports of division of capitalization dated December 19, 1917, and September 16, 1918; petition (letter) dated July 27, 1918; amended form of mortgage filed July 30, 1918. Now, therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clause No. 2 of the order entered herein under date of January 25, 1918, is hereby amended to read as follows: "That the Poughkeepsie & Wappingers Falls Railway Company is hereby authorized to execute and deliver to the Equitable Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, to be dated the first day of January, 1918, to secure an issue of first mortgage forty-year coupon gold bonds to the aggregate amount of \$2,000,000 face value, bearing interest at the rate of 6 per cent per annum, a copy of which indenture was filed herein on July 30, 1918, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission."

2. That in all other respects the order entered herein under date of January 25, 1918, shall remain in full force and effect, and that all provisions and restrictions applicable to the mortgage form approved by order of January 25, 1918, herein, shall apply with like force and effect to that filed herein on July 30, 1918.

[Case No. 5806]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Joint Petition of COHOES POWER AND LIGHT CORPORATION, COHOES COMPANY, and COHOES GAS LIGHT COMPANY under section 70, Public Service Commissions Law, for consent to the transfer of the plants, property, and franchises of the second and third named companies to the first named company; the Cohoes Power and Light Corporation asking in this petition under section 69, Public Service Commissions Law, authority to make a first mortgage for \$5,000,000, to issue now \$2,500,000 of 5 per cent 30-year gold bonds to be secured by said mortgage, and to issue now \$2,500,000 common capital stock of the \$5,000,000 named in its certificate of incorporation.

Petition filed December 4, 1916; appraisal of physical property, etc., of Cohoes Gas Light Company as of April 30, 1916, filed December 11, 1916; condensed summary of fixed capital expenditures and valuation of land and water rights as of September 30, 1916, of Cohoes Company, filed December 11, 1916; hearing held July 10, 1918; reports of division of capitalization dated May 28, 1917, and July 3, 1918; reports of division of light, heat, and power dated July 19, 1917, and May 1, 1918. Now, therefore, upon the foregoing record,

Ordered as follows: 1. That the Cohoes Company and the Cohoes Gas Light Company are hereby authorized to transfer all of their properties, franchises, rights, etc., free and clear of all incumbrances and claims except certain miscellaneous liabilities aggregating \$5155.29 to the Cohoes Power and Light Corporation for the sum of \$5,000,000, as of January 1, 1918; provided that the amount of all of such assets at the actual date of the transfer to the latter company shall not be less than their amount at December 31, 1917, as set forth in the reports of the Commission's division filed in the case; and this Commission hereby permits and approves the transfer to and acquisition by the Cohoes Power and Light Corporation of such properties, franchises, rights, etc., of the Cohoes Company and Cohoes Gas Light Company upon these terms.

2. That the Cohoes Power and Light Corporation is hereby authorized to execute and deliver to the Central Union Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property dated the first day of January, 1918, the form and terms of which indenture shall be hereafter presented to and approved by this Commission, and the company shall have no right or authority to issue any bonds to be secured thereby until such approval of this Commission shall have been secured.

3. That the Cohoes Power and Light Corporation is hereby authorized to issue its bonds under this indenture up to an amount not exceeding \$2,500,000, said bonds to be known as series A bonds, running for ten years from January 1, 1918, and bearing interest at not more than 6 per cent per annum; provided that no bonds shall be issued until the mortgage securing said bonds shall have been presented to and approved by the Commission as provided for in ordering clause No. 2 herein.

4. Subject to the conditions set forth in ordering clauses Nos. 2 and 3 herein, said \$2,500,000 face amount of bonds may be disposed of at a price not less than their face value to realize proceeds of at least that sum.

5. That the Cohoes Power and Light Corporation is hereby authorized to issue \$2,500,000 par value of its common capital stock which may be disposed of at a price not less than the par value thereof to realize net proceeds of at least that sum.

6. That said securities or the proceeds thereof, which shall not be less than \$5,000,000, shall be used solely and exclusively for the acquisition of properties, franchises, rights, etc., of the Cohoes Company and the Cohoes Gas Light Company, free and clear of all incumbrances and claims except certain miscellaneous liabilities aggregating \$5155.29: \$5,000,000.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Cohoes Power and Light Corporation unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Cohoes Power and Light Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what securities have been sold, exchanged, or otherwise disposed of during such period; (b) the dates of such sales or disposition; (c) to whom such sales were made; (d) what proceeds if any were realized from such sales; (e) any other terms and conditions of such transactions; (f) with respect to ordering clause No. 6 of this order there shall be shown the amount of the securities herein authorized or their proceeds which has been used for the purpose specified therein. Such reports shall continue to be filed until all of said securities shall have been sold and the proceeds used in accordance with the authority contained herein, and if during any period no securities were sold or proceeds used the report shall set forth such fact.

9. That within two months after the transfers herein authorized have been made, detailed statements duly verified by the secretary or other executive officer of the Cohoes Power and Light Corporation shall be filed

with the Commission, which shall include (a) particulars of the journal entries made upon the books of the Cohoes Power and Light Corporation reflecting the acquisition of the properties herein authorized to be transferred to it; (b) a detailed allocation of the cost to the Cohoes Power and Light Corporation of the properties acquired from the Cohoes Company and Cohoes Gas Light Company pursuant to the authority herein granted, which details shall be subdivided in such manner as to show the charges and credits to the various accounts at January 1, 1918. And this case shall remain open upon the records of the Commission until it has formally approved the manner in which the acquisition of this property has been recorded upon the books of the Cohoes Power and Light Corporation.

10. That the Cohoes Company and the Cohoes Gas Light Company shall, within a reasonable time after the consummation of the transfers approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the transfers hereby approved.

11. That the authority contained in this order to issue securities is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said companies shall file with the Commission a satisfactory, verified stipulation over the signatures of their presidents and secretaries accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the securities herein authorized and the money to be procured by the issues thereof are reasonably required for the purpose specified in this order, and that such purpose is not in whole or part reasonably chargeable to operating expenses or to income.

[Case No. 6471]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1918.

Present:

CHARLES B. HILL, Chairman.
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
Commissioners.

In the matter of the Complaint of HORSEHEADS TRANSPORTATION PROTECTIVE ASSOCIATION ET AL. against ELMIRA WATER, LIGHT AND RAILROAD COMPANY as to proposed increased fare.

The Elmira Water, Light and Railroad Company filed two passenger tariffs containing new schedules to become effective June 20, 1918, designated as follows: Elmira Water, Light and Railroad Company passenger tariffs P. S. C., 2 N. Y., Nos. 5 and 6. Protests having been filed, the operation of the tariffs was suspended by order dated June 19, 1918. A hearing thereon was held at the courthouse in the city of Elmira on June 24, 1918, at which it was proposed by the respondent railroad company that the fares, charges, regulations, and practices set forth in schedules contained in the described passenger tariff P. S. C., 2 N. Y., No. 6, to apply to passenger traffic transported between Horseheads, N. Y., and Watkins, N. Y., and points intermediate be allowed to go into effect without prejudice to any complaints against such

fares, charges, regulations, and practices which might thereafter be made to the Commission; and no objection having been made, it was ordered that the said order of suspension of date June 19, 1918, so far as it relates to Elmira Water, Light and Railroad Company's passenger tariff P. S. C., 2 N. Y., No. 6, and the schedules containing the proposed fares, charges, regulations, and practices to apply to passenger traffic transported between Horseheads, N. Y., and Watkins, N. Y., and intermediate points, be vacated and set aside as of July 14, 1918, but otherwise said order was to remain in full force and effect. Upon the evidence given at the hearing, records of this Commission, and the facts found and the reasons stated in the accompanying memorandum, it is

Ordered: That the Elmira Water, Light and Railroad Company be and it is hereby directed to cancel, effective October 1, 1918, its passenger tariffs P. S. C., 2 N. Y., Nos. 5 and 6; and said Elmira Water, Light and Railroad Company be and it is hereby authorized to publish, post, and file with the Commission, on not less than five days' notice to the public and the Commission and under an effective date October 1, 1918, two new passenger tariffs, namely, one applying between points on its interurban Seneca Lake division to cancel tariffs P. S. C., 2 N. Y., Nos. 4 and 6; the other to apply between points on lines other than Seneca Lake interurban division to cancel tariffs P. S. C., 2 N. Y., Nos. 3 and 5, and provide therein new one-way fare schedules for adult passenger transportation, in cents per capita, as follows:

On its interurban Seneca Lake division, between Elmira and Elmira City line, 5 cents. (The designation "Elmira" as used herein in connection with a fare greater than 5 cents includes all points on car lines operated as Elmira City car line except points reached by such city car line operating between Horseheads and terminal in Elmira.)

Between Elmira and 14th Street, 6 cents. (The designation "14th Street" as used herein applies to a stop point as near as practical opposite 14th street, Elmira Heights, to be fixed by the company.)

Between Elmira and Horseheads, 11 cents.

Between Elmira City line and 14th Street, 5 cents.

Between Elmira City line and Horseheads, 11 cents.

Between 14th Street and Horseheads, 6 cents.

Between points within the limits of the village of Horseheads, 5 cents.

Between all points north of Horseheads to and including Watkins, the fares to be reissues of fares now contained in P. S. C., 2 N. Y., No. 6.

Between Elmira, Elmira City line, 14th Street, and points north of Horseheads to and including Watkins, to be made by combination of fares applying to and from Horseheads.

On its lines other than interurban Seneca Lake division, zone fares to apply as follows:

Zone Description:

Zone A: (1) All points within the corporate limits of the City of Elmira, including points outside such corporate limits, as follows:

(2) On Elmira Heights car line, all points intermediate between the corporate limits of the City of Elmira and the corporate limits of the Village of Elmira Heights.

(3) On West Water Street car line, all points intermediate between the corporate limits of the City of Elmira and a stop point including the immediately suburban district, said point to be fixed by the railroad company.

(4) On Pennsylvania Avenue car line, all points to and including Southport.

Zone B: On Horseheads car line, all points intermediate between the corporate limits of the City of Elmira and a stop point as near as practical opposite 14th Street, Elmira Heights, said point to be fixed by the railroad company.

Zone C: All points within the village of Elmira Heights.

Zone D: All points on West Water Street car line not included in Zone A.

Zone E: All points on Horseheads car line not included in Zones A and B including all points within the village of Horseheads.

Adult Zone Fares, in cents per capita

and points in Zone	Between points in Zones				
	A	B	C	D	E
A.....	5	6	6	6	11
B.....	6	5	6	6	6
C.....	6	6	5	6	11
D.....	6	6	6	5	11
E.....	11	6	11	11	5

All rates and charges for chartered cars and the transportation of packages and the rules and regulations governing, together with such rules as apply to the transportation of children under 6 years of age, and of baggage, dogs, and musical instruments, to be the same as shown in tariffs P. S. C., 2 N. Y., Nos. 5 and 6. The new tariffs herein authorized should also contain appropriate regulation stating the company's practice as to the issuance and acceptance of transfers between points involving use of two car lines in order that the fares herein authorized may apply.

[Case No. 6448]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the complaint of the HINCKLEY FIBRE COMPANY against UTICA GAS AND ELECTRIC COMPANY as to rates for electricity.

Appearances: Dunmore, Ferris & Dewey, attorneys complainant; Lewis, Foley & Foley, attorneys Utica Gas and Electric Company.

After the company had answered in this matter, and after a public hearing, there was filed with this Commission a stipulation signed by the attorneys for complainant and attorneys for the Utica Gas and Electric Company to the following effect: "It is stipulated and agreed between the attorneys for the respective parties herein that the complaint of the Hinckley Fibre Company against the Utica Gas and Electric Company as to its rates for electricity may, with the consent of the Public Service Commission, be and hereby is withdrawn, and proceedings taken therein be dismissed, and that an order to that effect may be entered without other or further notice to either party." Therefore it is

Ordered: That consent to the withdrawal of the complaint is hereby granted and this case is hereby closed on the records of the Commission as satisfied.

[Case No. 6545]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of NEWPORT ELECTRIC LIGHT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct an electric plant in the town of Newport and the incorporated village of Poland, Herkimer county; and for approval of the exercise of franchises received from said municipalities.

This petition dated August 10, 1918, having been filed with this Commission, and it appearing that the Commission by order dated October 23, 1907, granted this company the consents asked for herein; and the company having filed a petition dated September 9, 1918, withdrawing the petition dated August 10, 1918, it is

Ordered: That this case is hereby closed on the records of the Commission.

[Case No. 2923]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the TOWN BOARD OF THE TOWN OF BROOKHAVEN, Suffolk county, for the elimination of a crossing of the Long Island Railroad by the South Country Road state highway at Centre Moriches in said town.

An order dated June 6, 1916, provided in part as follows: "The character of the pavement thereon and in the roadway at the undergrade crossing shall be reserved for future consideration and determination by the Commission." This highway is a portion of route No. 35, which the State Commission of Highways proposes to improve with concrete at some future time. In view of the excessive cost of paving this portion of the highway within the elimination with concrete at this time, and also because the above mentioned state route is not now under construction, it is deemed best that a temporary form of road be constructed. The State Commission of Highways has stated that it would prefer that this work be postponed until the construction of route No. 35, although it has no objections to its being done at this time provided no portion of the expense is charged against the State Commission of Highways. The supervisor of the Town of Brookhaven has consented to the construction of a temporary form of highway. Now therefore

Ordered: That the portion of South Country Road within the limits of the elimination be surfaced with a coating of cinders and loam of a width of not less than 20 feet, which shall be thoroughly compacted into place, and shall be completed in a manner satisfactory to the town superintendent of highways of the Town of Brookhaven.

[Case No. 4200]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Application of the CATTARAUGUS COUNTY LIGHTING COMPANY and the OLEAN ELECTRIC LIGHT AND POWER COMPANY under section 70 of the Public Service Commissions Law for consent to the transfer of the franchises, works, and system of the latter to the former; and of the CATTARAUGUS COUNTY LIGHTING COMPANY to issue stock in payment therefor, make a mortgage, and issue bonds secured thereby for the construction of a transmission line.

Amendatory
order.

Petitions filed with copy of proposed mortgage March 23, 1914; supplemental petition filed April 11, 1914; certificate of extension of powers of Cattaraugus County Lighting Company filed April 17, 1914; report of electrical engineer on proposed construction dated June 23, 1914; report of division of capitalization on Cattaraugus County Lighting Company dated July 8, 1914; report of division of capitalization on Olean Electric Light and Power Company dated July 8, 1914; memorandum of chief of division of capitalization dated July 10, 1914; supplemental reports of chief of division of capitalization dated 4th and 5th (two reports dated 5th) days of August, 1914; order entered August 5, 1914; supplemental petition filed August 18, 1918; amendatory order as to mortgage entered September 10, 1914; supplemental petition filed under date of June 10, 1916; second amendatory order entered July 20, 1916. By order dated August 5, 1914, as amended under date of July 20, 1916, entered in the above entitled matter, the Commission authorized the Cattaraugus County Lighting Company (now Olean Electric Light and Power Company) to make a mortgage and issue bonds thereunder in the face amount of \$117,000; also to issue stock classified as common, non-cumulative, and cumulative, in amounts aggregating \$275,000; the proceeds of said stock and bonds to be used for certain purposes specified therein. Verified reports as to sales of securities and disposition of their proceeds, which have been submitted by the company as required by these orders, show that all of this stock has been issued and the proceeds expended for the purposes specified in said orders. Of the bonds therein authorized, \$83,000 have been sold at 80 per cent of their face value, realizing proceeds of \$66,400. Expenditures of these proceeds have been reported for duly authorized purposes amounting to \$62,641.29, there remaining in the treasury of the company a balance of proceeds unexpended in this case of \$3758.71. The work for which the use of the proceeds of these bonds was authorized has been completed, and the company therefore does not require for these purposes either the unexpended proceeds of \$3758.71, or the \$34,000 face amount of bonds which remain unissued. Said balance of

proceeds is therefore to be transferred and made available to be used for the purposes provided for in an order entered simultaneously herewith in case No. 6473, and authority in this case to issue bonds beyond the \$83,000 face amount already issued is to be canceled. Now, therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clause No. 4 of the order entered herein under date of August 5, 1914, is hereby amended in such manner as to permit the issuance by the Cattaraugus County Lighting Company of \$83,000 face amount of its 5 per cent forty-year first and refunding mortgage bonds, and the authority contained therein for the issuance of \$34,000 face amount of additional bonds is hereby canceled and revoked.

2. That the use of the proceeds of \$66,400 which resulted from the sale of \$83,000 face amount of said bonds for the following purposes instead of for the purposes set forth in ordering clause No. 6 of the said order dated August 5, 1914, is hereby approved.

As shown on page 6 of report of field examination made by division of capitalization dated May 1, 1917, in cases Nos. 5384 and 5926:

Land devoted to electrical operations (right of way) ..	\$5,543.40	
Substation equipment	2,595.18	
Poles and fixtures	14,043.97	
Transmission system	13,939.54	
Accessory electric power equipment	14,399.00	
Engineering and superintendence	2,526.03	
Miscellaneous construction expenditures	7,578.17	
		\$60,625.31

As shown by company's verified report filed on July 21, 1918, in case No. 4200:

Poles and fixtures	\$87.98	
Distribution system	1,212.52	
Line transformers and devices	72.32	
Electric services	202.17	
Electric meters	29.36	
Electric meter installation	6.23	
Municipal street lighting system	59.40	
		2,015.98
		\$62,641.29

Unexpended balance of proceeds **\$3,758.71**

3. That no further reports of the expenditures of the proceeds of the bonds issued pursuant to the order herein dated August 5, 1914, as amended by this order, shall be required herein, and the unexpended, unreported balance of \$3758.71 is hereby transferred to case No. 6473 for application against purposes authorized and set forth therein.

4. That this case is hereby closed upon the records of the Commission.

[Case No. 5088]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration of the crossing at grade of a state highway and the Delaware, Lackawanna and Western Railroad near D., L. & W. Junction in the town of Pavilion, Genesee county.

By letter dated September 18, 1918, the State Commission of Highways requests an amendment of the amended order of this Commission dated

November 9, 1915, with respect to the character of the roadway on state highway route No. 16, and also as to the manner of constructing the east and west road located immediately south of the railroad. The modifications desired include changing the type of macadam from bituminous to water-bound, on account of the prohibitive expense involved in using bituminous materials at this time. The construction work has indicated that in order to secure the proper foundation for the state highway route there should be an additional thickness of bottom course and in certain portions a sub-base. These changes have been approved by the railroad company as indicated by letter dated September 23, 1918, signed by its division engineer. It appears that these modifications are essential and in the interest of the execution of the elimination, and it is therefore

Ordered: That the fourth paragraph of the ordering clause of the amended order of this Commission dated November 9, 1915, be and the same is hereby amended to read as follows: "The new highway shall be graded to a width of 36 feet in cuts and on fills, in accordance with 'typical section of roadbed' shown upon plan exhibit 2, except that the bottom course throughout shall have a thickness of 6 inches, and that a sub-base of not less than 6 inches in thickness shall be constructed from station 160 to station 167 plus 46; and the roadway throughout the entire length of the improvement shall be paved with a waterbound macadam in accordance with standard specifications of the State Commission of Highways, the cost of such pavement to be a proper charge against the crossing elimination work."

Further Ordered: That the sixth paragraph of the amended order of this Commission dated November 9, 1915, be and the same is hereby modified to read as follows: "There is an east and west road crossing the present state highway and the proposed revised line of the state highway within the limits of the work herein ordered, said road leading to a crossing at grade of the Buffalo, Rochester and Pittsburgh railway. This road is to be re-graded to a uniform grade of 10.66 per cent between the old and proposed locations of the state highway, with a width of roadway of 22 feet and a crown of 12 inches. A sufficient cobble pavement shall be constructed at the point where this highway intersects the state road so as to form a depressed approach to the macadam, and a sufficient quantity of No. 2 stone, loose, is to be provided in order to form good approaches from the earth road. The cost of re-grading this road shall be considered to be a charge against the elimination of the crossing."

[Case No. 5384]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of OLEAN ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$33,300 preferred capital stock, and \$126,000 in 5 per cent 40-year first and refunding mortgage bonds series "A".

Amendatory
order.

Petition filed January 14, 1916; report of electrical engineer dated February 18, 1916; report of division of capitalization dated March 7, 1916; order entered under date of March 16, 1916; supplemental petition filed (in

case No. 4200) June 10, 1916; first supplemental and amendatory order dated July 20, 1918. By order dated March 16, 1916, as supplemented and amended by order dated July 20, 1916, in the above entitled matter, the Commission authorized the Olean Electric Light and Power Company to issue \$33,000 of its 7 per cent cumulative preferred capital stock, and \$126,000 face amount of its series "A" 5 per cent first and refunding mortgage bonds, the proceeds of said stock and bonds to be used for certain purposes specified therein. Verified reports as to sales of securities and disposition of their proceeds which have been submitted by the company as required by these orders show that all of these securities have been issued and sold, the stock at par and the bonds at 85 per cent of their face value, realizing total proceeds of \$140,400. Expenditures of these proceeds have been reported for duly authorized purposes amounting to \$131,876.68, leaving a balance unexpended in this case of \$8523.32. The work for which it was contemplated to use the proceeds of these securities has been completed, and it appears that the company now has no desire to use this amount of unexpended proceeds for the purposes for which such security proceeds were authorized, in view of which this unexpended balance is to be transferred for use against the purposes provided for in an order entered simultaneously herewith in case No. 6473, and this case thereupon closed on the records of the Commission. Now, therefore, upon the foregoing record,

Ordered as follows: 1. That no further reports of the expenditures of the proceeds of the securities issued pursuant to the order herein dated March 16, 1916, as supplemented and amended by order dated July 20, 1916, shall be required herein, and the unexpended, unreported balance of \$8523.32 is hereby transferred to case No. 6473, and shall be applied against purposes authorized and set forth therein.

2. That the use of the proceeds of \$140,400 which resulted from the sale of said stock and bonds for the following purposes instead of for the purposes set forth in ordering clause No. 4 of the said order dated March 16, 1916, is hereby approved:

(a) Power plant buildings.....	\$18,660.00
(b) Furnaces, boilers, and accessories.....	36,855.68
(c) Steam engines	16,820.13
(d) Electric generators	8,936.28
(e) Accessory electric power equipment.....	1,144.89
(f) Substation power plant equipment.....	284.56
(g) Dams, canals, and pipe lines.....	4,499.97
(h) Poles and fixtures	8,915.26
(i) Line distribution system	11,997.48
(j) Line transformers and devices.....	8,418.39
(k) Electric services	5,499.62
(l) Electric meters	6,504.06
(m) Municipal street lighting system.....	5,844.98
(n) Engineering and superintendence and contingencies and miscellaneous expenditures	8,000.46
	<hr/>
	\$181,876.68

Unexpended balance of proceeds..... \$8,523.82

3. That this case is hereby closed upon the records of the Commission.

430 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6473]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the OLEAN ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$10,900 in preferred stock and \$80,000 in mortgage bonds.

Petition filed June 13, 1918; report of division of light, heat, and power dated June 20, 1918; supplemental report of division of light, heat, and power dated July 2, 1918; supplemental petition filed August 28, 1918; report of division of light, heat, and power dated September 12, 1918; report of division of capitalization dated September 24, 1918. Now, therefore, upon the foregoing record,

Ordered as follows: 1. That the Olean Electric Light and Power Company is hereby authorized to issue \$118,000 face value of its 6 per cent first and refunding mortgage bonds series "A," under a certain indenture, deed of trust, or mortgage dated the 1st day of October, 1913, given to the Guaranty Trust Company of New York as trustee, to secure an authorized issue of bonds of a total face value of \$2,000,000.

2. That said bonds of the total face value of \$118,000 may be sold for not less than 85 per cent of their face value to realize net proceeds of at least \$100,300.

3. That the proceeds of said bonds so authorized, which shall not be less than \$100,300, together with an unexpended balance of proceeds transferred to this case from case No. 4200 \$3758.71, case No. 5384 \$8523.32: \$12,282.03, making total proceeds of \$112,582.03, shall be used solely and exclusively for the following purposes:

(a) For additions, betterments, and extensions made and to be made to plant and facilities of petitioner as follows: 1 2500-kw., 3-phase 60-cycle, 2300-volt G. E. turbo generator; 1 6000 sq. ft. Alberger surface condenser, together with necessary accessories, apparatus, and appliances, and the engineering expenses in connection with the installation thereof, as detailed in the estimate dated May 27, 1918, attached to the original petition herein.....	\$78,956.00
(b) For installation of underfed stokers on 3 B. & W. boilers, forced draft equipment and boiler meters.....	21,643.00
(c) For installation of condenser circulating pump and ash tank, and necessary accessories, apparatus, etc., excluding engineering expenses	
(d) Engineering expenses	2,820.00
	<hr/>
	\$112,919.00

Amount unprovided for..... \$336.97

in so far as the same may be applicable, provided (1) that the proceeds of such bonds shall be applied toward the cost of new construction summarized in subdivisions (a) to (d) inclusive hereof only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined by the Uniform System of Accounts for Electrical Corporations; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such

construction or improvement work, and proof satisfactory to the Commission as to the necessity and reasonableness of any of such charges for engineering services shall be submitted in any future proceeding in which questions in regard thereto may be raised; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such bonds over the actual costs thereof shall be used for any purposes without the further order of this Commission; (4) that the unit prices contained in estimates attached to the original and supplemental petitions are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Olean Electric Light and Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That the Olean Electric Light and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold during such period; (b) the dates of such sales; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount of the proceeds of the bonds herein authorized and [or] the security proceeds amounting to \$12,282.03, transferred to this case from cases Nos. 4200 and 5384, which has been expended during such period for each of the purposes specified herein, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the securities made available herein to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or proceeds expended the report shall set forth such fact.

6. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money procured by the issue of securities in cases Nos. 4200 and 5384, and that to be procured by the issue of bonds herein authorized, is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariffs filed by the INTERNATIONAL RAILWAY COMPANY, designated as its P. S. C., 2 N. Y., Nos. 185, 186, and 187, proposing increased fares, charges, etc.

It appearing that there have been filed with this Commission by the International Railway Company three passenger tariffs containing schedules stating proposed new individual fares, charges, and regulations and practices affecting such fares and charges, to become effective September 28, 1918, designated as International Railway Company passenger tariffs, as follows: Buffalo and Niagara Falls Division, P. S. C., 2 N. Y., No. 185; Buffalo and Lockport Division, P. S. C., 2 N. Y., No. 186; New High Speed Line, P. S. C., 2 N. Y., No. 187.

Ordered: That this Commission, upon its own motion and upon protests filed with it by various complainants, including Fred C. Koehn, Mayor of the City of Tonawanda, shall without formal pleading enter upon a hearing concerning the propriety of the proposed new fares and charges and regulations and practices stated in schedules contained in the said passenger tariffs.

It further appearing that said schedules propose to make certain increases in the fares and charges, and rules and regulations applying in connection therewith, for the transportation of passengers between points upon its lines, and that the interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of the schedules contained in said specified tariffs should be postponed pending said hearing and decision thereon, it is

Further Ordered: 1. That the operation of the said tariffs containing the proposed new schedules be and they are hereby suspended, and that the use of the fares, charges, regulations, and practices therein stated be and they are hereby deferred until the 1st day of November, 1918.

2. That a copy of this order be filed with said tariffs in the office of this Commission, and that a copy hereof be served upon the International Railway Company, and that this Commission hold a public hearing in this matter at Room 704, Iroquois Building, in the city of Buffalo, on Saturday, October 5, 1918, at 10 o'clock a. m.

[Case No. 6591]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the rates and charges of the NEW YORK STATE GAS AND ELECTRIC CORPORATION made and enforced on and since August 15, 1918, for gas and electricity used by its customers in Norwich, N. Y., and Oxford, N. Y., and intervening territory.

Order to
show cause.

On June 1, 1918, the Norwich Gas and Electric Company merged with the Ithaca Gas and Electric Corporation, and on July 3, 1918, the last above named corporation changed its name to the New York State Gas and Electric Corporation. On August 14, 1917, the Norwich Gas and Electric Company filed with this Commission new rate schedules for gas and electricity to apply on and after September 15, 1917, for gas and electricity used by its customers in Norwich, N. Y., and Oxford, N. Y., and intervening territory, and complaints by fifty or more of its customers against such rates and charges were made to this Commission. These complaints were duly served upon the company and answer made, but before hearing was held the complainants filed a stipulation whereby the company agreed to cancel the rates and charges complained of and the complainants agreed to accept certain rates and charges set forth in the stipulation to apply during such period as the present high prices shall prevail; and at or about the same time the company applied to the Commission for and was given an order granting permission to change its rate schedules and put in force on short notice the rates and charges provided in said stipulation, which rates and charges were made effective November 9, 1917. Thereupon the Commission, by order in case No. 6170, dated November 13, 1917, closed the case.

It now appearing that a letter has been received from Mr. Archie D. Gibbs of Norwich, N. Y., of date September 21, 1918, wherein he alleges that new rates and charges of the company made and enforced on and since August 15, 1918, operate to increase the charges for gas and electricity to customers above the charges stipulated, which charges were to apply during such period as the present high prices shall prevail, therefore it is

Ordered: That the New York State Gas and Electric Corporation be and it is hereby directed to appear before this Commission, at its office, No. 58 North Pearl street, in the city of Albany, N. Y., on the 2nd day of October, 1918, at 2 o'clock p. m., and show cause why its rates and charges for gas and electricity as applied to customers in Norwich, N. Y., and Oxford, N. Y., and intervening territory, made and enforced on and since August 15, 1918, should not be canceled, and the rates and charges for such service made and enforced prior thereto be restored.

Special Permission Tariffs, September, 1918.

No. 7106; August 30, 1918; R. N. Collyer, Agent:

Ordered: That on application therefor dated August 29, 1918, by R. N. Collyer, Agent, duly appointed for carriers not under federal control to file Official Classification, he is hereby authorized to file, as to New York intra-state traffic when such traffic is transported jointly by carriers under federal control and carriers not under such control, or locally by carriers not under federal control, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to his freight rate schedule P. S. C., 2 N. Y., O. C. No. 44, revising specifications

[Case No. 6584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of September, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariffs filed by the INTERNATIONAL RAILWAY COMPANY, designated as its P. S. C., 2 N. Y., Nos. 185, 186, and 187, proposing increased fares, charges, etc.

It appearing that there have been filed with this Commission by the International Railway Company three passenger tariffs containing schedules stating proposed new individual fares, charges, and regulations and practices affecting such fares and charges, to become effective September 28, 1918, designated as International Railway Company passenger tariffs, as follows: Buffalo and Niagara Falls Division, P. S. C., 2 N. Y., No. 185; Buffalo and Lockport Division, P. S. C., 2 N. Y., No. 186; New High Speed Line, P. S. C., 2 N. Y., No. 187.

Ordered: That this Commission, upon its own motion and upon protests filed with it by various complainants, including Fred C. Koehn, Mayor of the City of Tonawanda, shall without formal pleading enter upon a hearing concerning the propriety of the proposed new fares and charges and regulations and practices stated in schedules contained in the said passenger tariffs.

It further appearing that said schedules propose to make certain increases in the fares and charges, and rules and regulations applying in connection therewith, for the transportation of passengers between points upon its lines, and that the interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of the schedules contained in said specified tariffs should be postponed pending said hearing and decision thereon, it is

Further Ordered: 1. That the operation of the said tariffs containing the proposed new schedules be and they are hereby suspended, and that the use of the fares, charges, regulations, and practices therein stated be and they are hereby deferred until the 1st day of November, 1918.

2. That a copy of this order be filed with said tariffs in the office of this Commission, and that a copy hereof be served upon the International Railway Company, and that this Commission hold a public hearing in this matter at Room 704, Iroquois Building, in the city of Buffalo, on Saturday, October 5, 1918, at 10 o'clock a. m.

[Case No. 6591]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of September, 1918.

*Present:*CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the rates and charges of the NEW YORK STATE GAS AND ELECTRIC CORPORATION made and enforced on and since August 15, 1918, for gas and electricity used by its customers in Norwich, N. Y., and Oxford, N. Y., and intervening territory.

Order to
show cause.

On June 1, 1918, the Norwich Gas and Electric Company merged with the Ithaca Gas and Electric Corporation, and on July 3, 1918, the last above named corporation changed its name to the New York State Gas and Electric Corporation. On August 14, 1917, the Norwich Gas and Electric Company filed with this Commission new rate schedules for gas and electricity to apply on and after September 15, 1917, for gas and electricity used by its customers in Norwich, N. Y., and Oxford, N. Y., and intervening territory, and complaints by fifty or more of its customers against such rates and charges were made to this Commission. These complaints were duly served upon the company and answer made, but before hearing was held the complainants filed a stipulation whereby the company agreed to cancel the rates and charges complained of and the complainants agreed to accept certain rates and charges set forth in the stipulation to apply during such period as the present high prices shall prevail; and at or about the same time the company applied to the Commission for and was given an order granting permission to change its rate schedules and put in force on short notice the rates and charges provided in said stipulation, which rates and charges were made effective November 9, 1917. Thereupon the Commission, by order in case No. 6170, dated November 13, 1917, closed the case.

It now appearing that a letter has been received from Mr. Archie D. Gibbs of Norwich, N. Y., of date September 21, 1918, wherein he alleges that new rates and charges of the company made and enforced on and since August 15, 1918, operate to increase the charges for gas and electricity to customers above the charges stipulated, which charges were to apply during such period as the present high prices shall prevail, therefore it is

Ordered: That the New York State Gas and Electric Corporation be and it is hereby directed to appear before this Commission, at its office, No. 58 North Pearl street, in the city of Albany, N. Y., on the 2nd day of October, 1918, at 2 o'clock p. m., and show cause why its rates and charges for gas and electricity as applied to customers in Norwich, N. Y., and Oxford, N. Y., and intervening territory, made and enforced on and since August 15, 1918, should not be canceled, and the rates and charges for such service made and enforced prior thereto be restored.

Special Permission Tariffs, September, 1918.

No. 7106; August 30, 1918; R. N. Collyer, Agent:

Ordered: That on application therefor dated August 29, 1918, by R. N. Collyer, Agent, duly appointed for carriers not under federal control to file Official Classification, he is hereby authorized to file, as to New York intra-state traffic when such traffic is transported jointly by carriers under federal control and carriers not under such control, or locally by carriers not under federal control, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to his freight rate schedule P. S. C., 2 N. Y., O. C. No. 44, revising specifications

for Rules 15(b) and 15(c), also railroad or railway cars, n. o. s., on own wheels, as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given, and carries no approval of the rates, charges, and regulations which may be filed hereunder; it is given in order that uniform specifications and regulations may apply as to interstate and intrastate traffic, the United States Railroad Administration having authorized under Freight Rate Authority No. 418, dated July 31, 1918, such revisions to apply to traffic under federal control.

No. 7107; September 7, 1918; Rochester and Syracuse Railroad Company, Inc.:

Ordered: That on its application therefor dated September 6, 1918, the Rochester and Syracuse Railroad Company, Inc., be and is hereby authorized to file, on or before September 9, 1918, and effective same date, a supplement to its joint passenger tariff P. S. C., 2 N. Y., No. 10, changing its joint one-way ticket fares between points on its line and points on the line of the Empire State Railroad Corporation to the fares as shown in tariff P. S. C., 2 N. Y., No. 10, filed July 2, 1918. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 2 to P. S. C. No. 10, effective September 9, 1918.

No. 7108; September 9, 1918; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That on its application therefor dated September 7, 1918, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. 276, filed to take effect September 30, 1918, for the purpose of changing certain of its rates as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 276, effective September 30, 1918.

No. 7109; September 20, 1918; Chautauqua Traction Company:

Ordered: That on its application therefor dated September 18, 1918, the Chautauqua Traction Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 330, for the purpose of changing the one-way fare between Lakewood, N. Y., and Jamestown, N. Y., from 16 to 10 cents; also to provide a regulation for the sale and use of 20-ride tickets between the same two points at rate of \$1.50 per book. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as to the notice to be given.

No. 7110; September 24, 1918; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That on its application therefor dated September 24, 1918, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, effective September 25, 1918, a supplement to its passenger

tariff P. S. C., 2 N. Y., No. 354, and provide therein a rate of \$11.50 for a 54-trip commutation ticket between Fort Johnson, N. Y., and Schenectady, N. Y. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 354, effective September 25, 1918.

No. 7111; September 24, 1918; Auburn and Syracuse Electric Railroad Company:

Ordered: That on its application therefor dated September 23, 1918, the Auburn and Syracuse Electric Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a local commodity freight tariff on Steel Forgings, crated, boxed, or barreled, in less than carload lots, from Auburn, N. Y., to Syracuse, N. Y., at rate of 12½ cents per 100 pounds. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by P. S. C. No. 24, effective September 28, 1918.

No. 7112; September 17, 1918; Glenfield and Western Railroad Company:

Ordered: That on its application therefor dated September 16, 1918, the Glenfield and Western Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a local freight tariff of less than carload and carload rates applying to traffic transported between points on its line, such rates to be as shown in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

No. El.-51; September 17, 1918; Tonawanda Power Company:

Ordered: That on its application therefor dated September 16, 1918, the Tonawanda Power Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, First Revised Leaves Nos. 2, 12, and 22, and Original Leaves Nos. 26 and 27, to its general schedule for electricity, P. S. C., 2 N. Y., No. 2, amending its rates, charges, and regulations as per exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the publication and filing of rate schedules except as to the notice to be given.

Completed by schedules filed September 26, 1918.

No. El.-52; September 23, 1918; Buffalo General Electric Company:

Ordered: That on its application therefor dated September 21, 1918, the Buffalo General Electric Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a revised leaf to its general schedule for electricity, P. S. C., 2 N. Y., No. 2, amending Service Classification No. 10 thereof as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the Commission's published rules relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by schedule effective October 1, 1918.

No. G-37; September 26, 1918; Caledonia Natural Gas Company:

Ordered: That on its application therefor dated September 26, 1918, the Caledonia Natural Gas Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, leaves revising its general schedule for gas, P. S. C., 2 N. Y., No. 1, as follows: Leaf No. 4, Rules and Regulations; and Leaf No. 6, Service Classification No. 1, for the purpose of providing rates and charges for natural gas used by customers in the village of Caledonia as set forth in exhibits "A" and "B" attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules relative to the construction and filing of rate schedules except as to the notice to be given.

Completed by schedules effective October 1, 1918.

No. G-38; September 26, 1918; Tri-County Natural Gas Company:

Ordered: That on its application therefor dated September 26, 1918, the Tri-County Natural Gas Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, leaves revising its general schedule of rates, P. S. C., 2 N. Y., No. 1, as follows: Leaf No. 4, Rules and Regulations; Leaf No. 6, Service Classification No. 1; Leaf No. 7, Service Classification No. 2, for the purpose of providing rates and charges for gas used by customers in the villages of Caledonia and Scottsville, and in the towns of Caledonia, LeRoy, and Wheatland, as set forth in exhibits "A," "B," and "C" attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules relative to the construction and filing of tariff schedules except as to the notice to be given.

Completed by schedules effective October 1, 1918.

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Use of Oil-burning Locomotives on the portion of the Chateaugay Branch of THE DELAWARE AND HUDSON COMPANY'S railroad in the Forest Preserve.

The Federal General Manager of the Delaware and Hudson railroad having by letter dated September 30, 1918, requested this Commission to suspend the order of the Commission dated April 1, 1909, requiring oil to be burned in locomotives operating on the Chateaugay branch of said railroad between the hours of 8 a. m. and 8 p. m. during the period from April 15th to November 1st of each year, alleging that the water soaked condition of the country through which said branch passes eliminates danger from forest fires; and the Conservation Commission by letter dated September 27, 1918, having indicated its willingness that such suspension be made, provided said railroad would be required to resume the use of oil-burning locomotives within twelve hours after receipt of notice from this Commission so to do,

Ordered: That the provisions of the order of this Commission dated April 1, 1909, requiring the use of oil-burning locomotives on the Chateaugay branch of the Delaware and Hudson railroad between 8 a. m. and 8 p. m. be and hereby are suspended for the remainder of the period to November 1, 1918, with the understanding that the use of oil-burning locomotives will be resumed between the hours above named during said period upon receipt of twelve hours' notice from this Commission so to do.

[Case No. 6072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petitions of Carriers for relief from the provisions of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917.

The orders entered in this case having automatically expired June 24, 1918, at 12 o'clock midnight, it is

Ordered: That this case be closed on the records of this Commission.

438 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6523]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition (or complaint) of SYRACUSE AND SUBURBAN RAILROAD COMPANY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase fares.

Appearances: Gannon, Spencer & Mitchell, Syracuse, N. Y., for the petitioner; Stewart F. Hancock, corporation counsel, for City of Syracuse; Theodore L. Poole, DeWitt, N. Y., for himself and other residents of the town of DeWitt; William L. Huber, Scottholm, Syracuse, N. Y., in person. The Syracuse and Suburban Railroad Company presented its complaint alleging that the rates, fares, and charges charged by it are insufficient to yield a reasonable compensation for the service rendered, and are unjust and unreasonably low and do not allow sufficient average return upon the value of the property actually used in the public service after providing for surplus and contingencies, and asking that the Commission determine the just and reasonable rates, fares, and charges to be thereafter observed and in force as the maximum to be charged for the service to be performed by it; and a public hearing on said petition having been held by this Commission, those named above appearing; and this Commission having determined from the evidence, and being of opinion for the reasons stated in an Opinion of the Commission filed herewith that the rates, fares, and charges charged by said railroad company for the transportation of persons and property are insufficient to yield reasonable compensation for the service rendered, and are unjust and unreasonable, and that the rates, fares, and charges hereinafter mentioned are just and reasonable, it is

Ordered: That the maximum fare which may be charged for the carriage of passengers by the Syracuse and Suburban Railroad Company shall be at the rate of 3 cents per mile for cash fares, 2½ cents per mile for ticket fares, 2 cents per mile for mileage book rate, with a minimum fare of 6 cents for each said classes; and 1½ cents per mile for commutation rates.

Further Ordered: That a tariff schedule in accordance with the above rates may be filed with this Commission, in accordance with the provisions of the Public Service Commissions Law, on five (5) days' notice, and bear the following notation: "Issued on five (5) days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date October 1, 1918, in case No. 6523."

Further Ordered: That this determination and order may be reopened at any time if and when it may appear to this Commission that the reasons for permitting the company to charge the increased fares no longer exist.

[Case No. 6568]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 1st day of
October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of a schedule of passenger fares filed by
ALBANY SOUTHERN RAILROAD COMPANY with this
Commission July 5, 1918, and complaint in reference
thereto.

The consideration of this matter not having been concluded it is

Ordered: 1. That the operation of the fare schedule of the Albany
Southern Railroad Company designated as its local passenger tariff P. S. C.,
2 N. Y., No. 141, be and it is hereby further suspended from and including
October 1, 1918, to and including October 31, 1918, and that the use of the
fares and regulations stated therein be and they are hereby deferred for the
same period unless this Commission in the meantime vacates, supersedes, or
modifies this order.

2. That a copy of this order be filed with the Commission's copy of said
Albany Southern Railroad Company's passenger tariff P. S. C., 2 N. Y., No.
141, and that said company shall publish, post, and file a supplement to said
tariff giving notice of this further suspension.

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 3rd day of
October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Use of Oil-burning Locomotives on
the Adirondack Division of the New York Central
and Hudson River Railroad (now THE NEW YORK
CENTRAL RAILROAD COMPANY), and on the Carthage
and Adirondack Branch of the St. Lawrence Division
of said railroad.

The Federal General Manager of the New York Central railroad having by
letter dated September 30, 1918, requested this Commission to suspend the
order of the Commission dated April 1, 1909, requiring oil to be burned in
locomotives operating on those portions of said railroad within the Adiron-
dack Forest Preserve between the hours of 8 a. m. and 8 p. m. during the
period from April 15th to November 1st of each year, alleging that the
water soaked condition of the region through which said railroad passes
eliminates danger from forest fires; and the Conservation Commission by
letter dated October 2, 1918, having indicated its willingness that such sus-
pension be made, provided said railroad would be required to resume the use

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of oil-burning locomotives within twelve hours after receipt of notice from this Commission so to do,

Ordered: That the provisions of the order of this Commission dated April 1, 1909, requiring the use of oil-burning locomotives on those portions of the New York Central railroad within the Adirondack Forest Preserve between 8 a. m. and 8 p. m. be and hereby are suspended for the remainder of the period to November 1, 1918, with the understanding that the use of oil-burning locomotives will be resumed between the hours above named during said period upon receipt of twelve hours' notice from this Commission so to do.

[Case No. 5438]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of the ERIE RAILROAD COMPANY under section 91 of the Railroad Law for the elimination of two highway grade crossings of its railroad in the town of Canisteo, Steuben county.

Ordered: 1. That an accounting entered into by the Erie Railroad Company and this Commission, duly accepted by said company as indicated by signature of its comptroller, showing expenditures by said company of \$3347.67, including interest to April 15, 1918, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved.

2. That of the total amount of \$3347.67 thus expended and herein accounted for, the amount to be paid by the Erie Railroad Company is \$2510.75, and the amount to be paid by the State of New York is \$836.92; that the said sum of \$836.92 is now due and payable by the State of New York to the Erie Railroad Company from funds appropriated for the elimination of grade crossings.

3. That the sum of \$238 included in the accounting as the contract price for constructing guard-rails specifically required by section (d) of the order of this Commission dated May 16, 1916, not heretofore approved, be and hereby is approved.

4. That in accordance with subdivision 3 of the general order of this Commission under date of July 17, 1915, in case No. 5061, the sum of \$163.08 be re-transferred to the general fund appropriated by the Legislature for grade crossing purposes, said sum of \$163.08 being the difference between the sum of \$1000 which was segregated and set apart to meet the State's share of the cost of the elimination in this case, and the sum of \$836.92 which is the total cost of the work to the State as herein accounted for and approved.

[Case No. 5763]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint under section 71, Public Service Commissions Law, of CUSTOMERS OF THE NEWFANE ELECTRIC COMPANY *against* NEWFANE ELECTRIC COMPANY as to price charged for electricity.

The above entitled proceeding having come on to be heard at the office of the Commission in the city of Buffalo, New York, before Commissioner Barhite, upon complaint of numerous customers of the Newfane Electric Company who use electricity for lighting in the villages of Newfane and Olcott, in the county of Niagara, New York, and who object to the rates for lighting put into effect by said company; and the Newfane customers having appeared by Clinton K. DeGroat, esq., their attorney; and the Olcott customers by Roy H. Ernest, esq., their attorney; and the Newfane Electric Company having appeared by Messrs. Stockwell and Campbell, its attorneys, and H. C. Hopson, esq., having been associated with Messrs. Stockwell and Campbell; and it appearing from the evidence that the lighting rates charged by the company should be adjusted, it is

Ordered: That the first revised leaf No. 6 of the general schedules of the Newfane Electric Company, P. S. C., 2 N. Y., No. 1, taking effect November 1, 1916, shall be superseded by a new tariff to be filed with suitable notation by said company immediately upon receipt of this order, and to take effect upon five days' notice to this Commission and to the public, at the following rates, which said tariff shall be available to all customers using electricity for lighting purposes: For the first 25 kw. hrs. per mo. at 10c. per kw. hr.; for the second 25 kw. hrs. per mo. at 8c per kw. hr.; for all excess over 50 kw. hrs. per mo. at 6c per kw. hr. That a discount of 10 per cent from the amount of any bill shall be granted if the bill shall be paid within ten days of its date. That a minimum charge of \$1 per month shall be made to each customer. That said rates shall continue in force until and including the 31st day of December, 1919, unless the same shall be sooner modified by the Commission.

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8. That in all respects other than as provided in ordering clause No. 1 hereof the terms and conditions of the order of August 2, 1917, shall remain in full force and effect.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in the order entered under date of August 2, 1917, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6224]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the LONG ISLAND LIGHTING COMPANY
under section 69 of the Public Service Commissions Law for authority to issue \$100,000 in common capital stock, and \$143,000 in first mortgage 5 per cent 25-year gold bonds. Second
amendatory
order.

Petition filed October 8, 1917; report of division of capitalization dated November 16, 1917; order entered November 21, 1917; supplemental petition filed June 3, 1918; report of division of capitalization dated June 4, 1918; amendatory order entered June 6, 1918; second supplemental petition filed September 28, 1918; report of division of capitalization dated October 2, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order entered herein under date of November 21, 1917, as amended by order dated June 6, 1918, is hereby further modified and amended in such manner as to permit the Long Island Lighting Company to sell \$33,000 face value of the \$143,000 5 per cent 25-year first mortgage sinking fund gold bonds therein authorized to be issued for not less than 80 per cent of their face value, to give proceeds of at least \$26,400, which proceeds shall be used solely for the purposes set forth in said order of November 21, 1917.

2. That in all other respects the terms and conditions of said order of November 21, 1917, as amended under date of June 6, 1918, shall remain in full force and effect.

[Case No. 6584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariffs filed by the INTERNATIONAL RAILWAY COMPANY designated as its P. S. C., 2 N. Y., Nos. 185, 186, and 187, proposing increased fares, charges, etc. Amendatory order.

The International Railway Company, by letter from its president, Mr. E. G. Connette, of date September 27, 1918, having requested permission to withdraw local passenger tariffs P. S. C., 2 N. Y., Nos. 185, 186, and 187, filed to take effect September 28, 1918, and which by order of the Commission of date September 26, 1918, were suspended until November 1, 1918, it is

Ordered: That this Commission's order of date September 26, 1918, suspending the effective date of International Railway Company's said tariffs P. S. C., 2 N. Y., Nos. 185, 186, and 187 until November 1, 1918, be and it is hereby vacated and set aside as of October 20, 1918, and said International Railway Company be and it is hereby directed to cancel said tariffs on not less than one day's notice to the public and the Commission, effective concurrently therewith.

[Case No. 6584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariffs filed by the INTERNATIONAL RAILWAY COMPANY designated as its P. S. C. 2 N. Y., Nos. 185, 186, and 187, proposing increased fares, charges, etc.

Tariff suspended. E. B. Rodgers, Buffalo and Lockport, complaint.

Ordered: That this complaint of E. B. Rodgers, Buffalo and Lockport, against International Railway Company, is hereby closed on the records of the Commission, as the company has requested permission to withdraw the tariffs in which appear the increased passenger fares complained of, and the Commission has authorized it to cancel said tariffs.

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[Case No. 6584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariffs filed by the INTERNATIONAL RAILWAY COMPANY designated as its P. S. C., 2 N. Y., Nos. 185, 186, and 187, proposing increased fares, charges, etc.

Tariff suspended. Mayor of Tonawanda complaint.

Ordered: That this complaint of Mayor of Tonawanda against International Railway Company is hereby closed on the records of the Commission, as the company has requested permission to withdraw the tariffs in which appear the increased passenger fares complained of, and the Commission has authorized it to cancel said tariffs.

[Case No. 6584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariffs filed by the INTERNATIONAL RAILWAY COMPANY designated as its P. S. C., 2 N. Y., Nos. 185, 186, and 187, proposing increased fares, charges, etc.

Tariff suspended. Village of LaSalle complaint.

Ordered: That this complaint of the Village of LaSalle against International Railway Company is hereby closed on the records of the Commission, as the company has requested permission to withdraw the tariffs in which appear the increased passenger fares complained of, and the Commission has authorized it to cancel said tariffs.

[Case No. 6589]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of GREAT BEAR LIGHT AND POWER COMPANY and the INCORPORATED VILLAGE OF RICHMONDVILLE, Schoharie county, under sections 70 and 68, Public Service Commissions Law, as to transfer of and operation of electric lines.

The Great Bear Light and Power Company has for about ten years been operating an electric plant with a power station at East Worcester, in Otsego county, from which it has supplied electricity in the village and town of Richmondville, in Schoharie county, and also in the village of Schenevus and the towns of Maryland and Worcester, Otsego county. At an election duly held for the purpose September 7, 1918, the taxpayers of the village of Richmondville voted to purchase that part of the system and plant of the Great Bear company lying east of the Otsego County line, being the entire portion of said system or plant within the town and village of Richmondville. An issue of bonds was also provided in order to carry out this purpose. A contract has been entered into between the Great Bear company and the Village of Richmondville for the transfer of that portion of the works and system of the Great Bear company, together with the franchises under which such portion is operated. It is the intention of the village to construct a transmission line from the village of Richmondville easterly through the town of Richmondville to the line of the town of Cobleskill, where it can be connected with the lines of the Mohawk Hydro-Electric Company, and current obtained from that company for an all night or twenty-four hour service. The present service is from dusk until about midnight, and has been very irregular at that on account of the water shortage and other causes. A public hearing was held at Albany October 2, 1918, when the village offered proof, and there was no opposition. It is therefore determined and stated that public convenience and necessity require the transfer of the franchises, works, and system as herein set forth, and the operation of said electric plant for supplying electricity for lighting purposes both municipal and commercial, and it is

Ordered: That the permission and approval of the Commission be given to the transfer by the Great Bear Light and Power Company to the Village of Richmondville of the entire lighting system and plant of said company east of the Otsego County line, and the rights and franchises heretofore granted to said company by the Town and Village of Richmondville; and this Commission certifies that said village is authorized to maintain and operate said works and system accordingly.

It is further Ordered: That said company and said village notify this Commission within ten days after service of this order as to their respective acceptances thereof.

446 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariffs filed by the INTERNATIONAL RAILWAY COMPANY designated as its P. S. C., 2 N. Y., Nos. 185, 186, and 187, proposing increased fares, charges, etc.

Tariff suspended. Mayor of Tonawanda complaint.

Ordered: That this complaint of Mayor of Tonawanda against International Railway Company is hereby closed on the records of the Commission, as the company has requested permission to withdraw the tariffs in which appear the increased passenger fares complained of, and the Commission has authorized it to cancel said tariffs.

[Case No. 6584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariffs filed by the INTERNATIONAL RAILWAY COMPANY designated as its P. S. C., 2 N. Y., Nos. 185, 186, and 187, proposing increased fares, charges, etc.

Tariff suspended. Village of LaSalle complaint.

Ordered: That this complaint of the Village of LaSalle against International Railway Company is hereby closed on the records of the Commission, as the company has requested permission to withdraw the tariffs in which appear the increased passenger fares complained of, and the Commission has authorized it to cancel said tariffs.

[Case No. 6589]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of GREAT BEAR LIGHT AND POWER COMPANY and the INCORPORATED VILLAGE OF RICHMONDVILLE, Schoharie county, under sections 70 and 68, Public Service Commissions Law, as to transfer of and operation of electric lines.

The Great Bear Light and Power Company has for about ten years been operating an electric plant with a power station at East Worcester, in Otsego county, from which it has supplied electricity in the village and town of Richmondville, in Schoharie county, and also in the village of Schenevus and the towns of Maryland and Worcester, Otsego county. At an election duly held for the purpose September 7, 1918, the taxpayers of the village of Richmondville voted to purchase that part of the system and plant of the Great Bear company lying east of the Otsego County line, being the entire portion of said system or plant within the town and village of Richmondville. An issue of bonds was also provided in order to carry out this purpose. A contract has been entered into between the Great Bear company and the Village of Richmondville for the transfer of that portion of the works and system of the Great Bear company, together with the franchises under which such portion is operated. It is the intention of the village to construct a transmission line from the village of Richmondville easterly through the town of Richmondville to the line of the town of Cobleskill, where it can be connected with the lines of the Mohawk Hydro-Electric Company, and current obtained from that company for an all night or twenty-four hour service. The present service is from dusk until about midnight, and has been very irregular at that on account of the water shortage and other causes. A public hearing was held at Albany October 2, 1918, when the village offered proof, and there was no opposition. It is therefore determined and stated that public convenience and necessity require the transfer of the franchises, works, and system as herein set forth, and the operation of said electric plant for supplying electricity for lighting purposes both municipal and commercial, and it is

Ordered: That the permission and approval of the Commission be given to the transfer by the Great Bear Light and Power Company to the Village of Richmondville of the entire lighting system and plant of said company east of the Otsego County line, and the rights and franchises heretofore granted to said company by the Town and Village of Richmondville; and this Commission certifies that said village is authorized to maintain and operate said works and system accordingly.

It is further Ordered: That said company and said village notify this Commission within ten days after service of this order as to their respective acceptances thereof.

448 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4877]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of October, 1918.

Present:

FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of GRASSE RIVER RAILROAD CORPORATION under section 9 of the Railroad Law, section 53 of the Public Service Commissions Law, and section 89 of the Railroad Law.

Supplemental order as to coal-burning locomotives.

An order of this Commission in this matter dated November 23, 1915, provides that no locomotive burning coal for generating steam shall be operated on this corporation's railroad within the Forest Preserve between the hours of 8 a. m. and 8 p. m. during the period from April 15th to November 1st in each year. This corporation, by letter dated October 2, 1918, has requested that this provision be modified so that it may use coal-burning locomotives during said hours for the remainder of the period above named within the present year, giving among other reasons for said request that recent rains within the Forest Preserve have thoroughly soaked that region so that the danger from fire being started by said locomotives does not exist. The Conservation Commission, by letter dated October 8, 1918, has advised this Commission that it believes it to be safe to grant the relief requested and has no objection thereto, provided the corporation is required to discontinue the use of coal-burning locomotives at any time within said period within twelve hours of receipt of notice from this Commission so to do. Now therefore

Ordered: That the said order of the Commission dated November 23, 1915, be and hereby is modified to the extent that the Grasse River Railroad Corporation may use coal-burning locomotives on that portion of its railroad within the Forest Preserve between the hours of 8 a. m. and 8 p. m., with the understanding that it will discontinue such use of said coal-burning locomotives at any time prior to November 1, 1918, within twelve hours of receipt of notice from this Commission so to do.

[Case No. 6572]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of October, 1918.

Present:

FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of THEODORE HOWE and MARTHA HOWE of Port Jervis against ORANGE COUNTY PUBLIC SERVICE CORPORATION, asking that gas service be furnished their residence.

The answer of the company in the above matter stated that complainants would be furnished with the gas service requested "at the earliest possible moment". By letter dated October 5, 1918, complainants informed the Commission that the gas service has been furnished. Therefore it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

[Case No. 6376]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the GROTON ELECTRIC
POWER CORPORATION under section 69 of the Public
Service Commissions Law for authority to issue
\$20,000 common capital stock.

Petition filed March 6, 1918; report of division of light, heat, and power
dated March 19, 1918; report of division of capitalization dated March 26,
1918; order entered March 28, 1918.

Whereas, the Commission has by order entered simultaneously herewith
in case No. 6537 authorized the merger of the Groton Electric Power Cor-
poration into the Ovid Electric Company; and whereas, following such merger
the Ovid Electric Company will be in possession of the \$20,000 cash security
proceeds to be realized from the sale of that par amount of stock authorized
to be issued by order dated March 28, 1918, herein, it is

Ordered as follows: 1. That ordering clauses Nos. 2 and 3 of the order
entered herein under date of March 28, 1918, shall be binding upon and shall
be observed by the Ovid Electric Company following the merger into itself
of the Groton Electric Power Corporation, in the same manner and to the
same extent as if the authority contained in said order had originally been
granted to it.

2. That the authority contained in this order is upon the express condition
that the Ovid Electric Company accepts and agrees to comply in good faith
with the provisions hereof; and within thirty days of the service hereof that
company shall advise the Commission whether or not it accepts the same
with all its terms and conditions, and such order shall be of no force or effect
until such acceptance has been filed.

[Case No. 6537]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of OVID ELECTRIC COM-
PANY for authority to purchase all of the capital
stock of Groton Electric Power Corporation, and to
merge it; also for authority to issue capital stock.

Partition filed August 7, 1918; hearing held September 5, 1918. Now
therefore, upon the foregoing record,

Ordered as follows: 1. That the Ovid Electric Company is hereby author-
ized to acquire and hold, but only for the purpose of effecting the merger
herein authorized, the entire outstanding issue of capital stock of the Groton

Electric Power Corporation, consisting of two hundred shares, each of the par value of \$100, aggregating a par value of \$20,000.

2. That the Ovid Electric Company is hereby authorized to issue \$20,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$20,000.

3. That the proceeds of said stock so authorized, which shall not be less than \$20,000, shall be used solely and exclusively for the purchase and acquisition of all of the outstanding capital stock of the Groton Electric Power Corporation, consisting of two hundred shares, each of the par value of \$100, aggregating \$20,000.

4. That the Ovid Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sales; (f) in detail the amount of the stock proceeds which has been used during such period for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended the report shall set forth such fact.

5. That this Commission hereby consents that the Ovid Electric Company may merge into itself the Groton Electric Power Corporation, provided that there shall be stamped or inscribed upon each of the certificates of capital stock of the latter corporation a legend setting forth that said corporation has been merged by the Ovid Electric Company as herein authorized, and that satisfactory proof of such stamping or inscribing said stock certificates shall be submitted to this Commission.

6. That within thirty days after the merger herein authorized shall have become effective, detailed statements, duly verified by the secretary or other executive officer of the Ovid Electric Company, shall be filed with the Commission, which shall include (a) the exact date of such merger; (b) a detailed balance sheet of the Groton Electric Power Corporation as of the date when the transfer of its property to the Ovid Electric Company is recorded in the accounts of the latter company; (c) particulars of the journal entries made upon the books of the Ovid Electric Company reflecting the merger herein authorized. And this case shall remain open upon the records of the Commission until it has formally approved the manner in which the merging of these properties has been recorded upon the books of the Ovid Electric Company.

7. That the Ovid Electric Company shall within a reasonable time after the consummation of the merger approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the merger hereby approved.

8. That this order is not intended and shall not be construed as a present determination by this Commission that the amounts charged to the various asset accounts of either the Ovid Electric Company or the Groton Electric Power Corporation as of the date when the merger herein authorized shall become effective, shall be deemed as the amounts chargeable to such accounts which shall hereafter be permanently carried as such by said company, it being expressly understood and agreed that the Commission shall at all times have the right to order all adjustments in the accounts of the company which in its opinion are necessary and proper.

9. That the authority contained in this order to merge and to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before the merger is effected

or any stock is issued pursuant hereto and within thirty days of the service hereof the Ovid Electric Company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6554]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of HIRSCHHEY & LEWIS (copartners) under section 68, Public Service Commissions Law, for permission to construct an electric plant in the town of Martinsburg, Lewis county, and for approval of the exercise of a franchise therefor received from the town.

Samuel L. Hirschey of Castorland, and Harry S. Lewis of Beaver Falls, N. Y., copartners under the name of Hirschey & Lewis, having filed their petition with this Commission asking for the approval of a franchise heretofore granted to them by the town board of the Town of Martinsburg, Lewis county, New York, and that they be permitted and authorized to begin the construction of an electric system in said town of Martinsburg; and the application having come on to be heard before the Commission at the courthouse in the city of Utica on the 27th day of September, 1918, at which time the said petitioners appeared by A. F. Mills, esq., of Carthage, N. Y., as their attorney; and due proof of publication of the pendency of the application having been filed; and the Northern New York Utilities, Inc., of Watertown, N. Y., having appeared by H. J. McCormick and H. G. Davis in opposition to said application; and it appearing upon the evidence that the said Hirschey & Lewis are now engaged, and their predecessors have been engaged for about twelve years, in the business of producing and furnishing electricity for light, heat, and power in the hamlet of Glenfield in said town of Martinsburg, and in the territory contiguous thereto; and it further appearing that the Northern New York Utilities, Inc., has received a franchise from the town board of the Town of Martinsburg, Lewis county, to construct and maintain electric lines for the purpose of furnishing light, heat, and power along the highways and public places of said town; and it further appearing that Hirschey & Lewis and the Northern New York Utilities, Inc., have agreed among themselves to a division of the territory of said town, and have filed such agreement with this Commission; and this Commission having determined after due hearing that the construction of the plant of the petitioners and the exercise of the right, privilege, and franchise granted to said petitioners by the authorities of the Town of Martinsburg, Lewis county, in that portion of said town hereinafter mentioned, are necessary and convenient for the public service,

Ordered: That the franchise granted to Hirschey & Lewis, copartners, comprised of Samuel L. Hirschey and Harry S. Lewis, by the authorities of

the Town of Martinsburg, Lewis county, on the 17th day of August, 1918, be and the same is hereby approved; and said Hirschey & Lewis are hereby authorized and permitted to begin construction and to complete and maintain its electric lines, poles, conduits, and other apparatus in that portion of the town of Martinsburg, Lewis county, N. Y., hereinafter mentioned, and to exercise the rights and privileges granted them by the authorities of said town of Martinsburg, Lewis county, N. Y., pursuant to said franchise granted on the 17th day of August, 1918, in that part of the town of Martinsburg, Lewis county, N. Y., south of Whetstone creek; also including the hamlets of Glendale and East Martinsburg, and the river road northerly of Whetstone creek from Glenfield to East Martinsburg.

Further Ordered: That said Hirschey & Lewis shall not enter upon or construct any works in or upon any state or county highway which has been or may be improved under the provisions of the highway law of the State of New York except upon the approval of and under such conditions and regulations as may be prescribed by the State Commission of Highways.

[Case No. 6557]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of SOUTH SHORE NATURAL GAS AND FUEL COMPANY and REPUBLIC LIGHT, HEAT AND POWER COMPANY, INC., under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

Petition filed under date of August 15, 1918; hearing held September 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the South Shore Natural Gas and Fuel Company is hereby authorized to transfer all of its franchises, property, and assets as of September 30, 1918, to the Republic Light, Heat and Power Company, Inc., at a price which shall be hereafter determined by the Commission following an examination of the records and property of the former company and after consideration of its outstanding liabilities, provided that the value of all of such assets at the actual date of the transfer to the Republic Light, Heat and Power Company, Inc., shall not be less their value at September 30, 1918; and this Commission hereby permits and approves the transfer to and acquisition by the Republic Light, Heat and Power Company, Inc., of the property and assets of the South Shore Natural Gas and Fuel Company at September 30, 1918, subject to its liabilities then outstanding.

2. That the consent of the Commission is hereby given to the issuance by the Republic Light, Heat and Power Company, Inc., of its common capital stock in payment for the property and assets of said South Shore Natural Gas and Fuel Company to a par amount hereinafter to be determined following the completion of the examination which is to be made of

the accounts, property, etc., of the latter company in accordance with the provisions of ordering clause No. 1 hereof.

3. That the consent of the Commission is hereby given to the acquisition by the South Shore Natural Gas and Fuel Company of the common capital stock of the Republic Light, Heat and Power Company, Inc., authorized to be issued pursuant to the authority contained in ordering clause No. 2 herein, and subject to the conditions enumerated in that ordering clause, provided that said stock of the Republic Light, Heat and Power Company, Inc., may only be held by the South Shore Natural Gas and Fuel Company temporarily and pending the transfer to it for cancellation of the entire amount of its own capital stock which is to be delivered to it pursuant to the terms of an order entered concurrently herewith in case No. 6566.

4. That within sixty days after the transactions permitted and approved by ordering clauses 1 and 2 herein shall have been accomplished there shall be filed with this Commission an affidavit by the president or vice-president of the company to the effect that all of the capital stock of the South Shore Natural Gas and Fuel Company has been canceled, and that all necessary steps for the legal accomplishment of the dissolution of the South Shore Natural Gas and Fuel Company have been instituted.

5. That the South Shore Natural Gas and Fuel Company shall within a reasonable time after the consummation of the transfer approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the transfer hereby approved.

6. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the South Shore Natural Gas and Fuel Company shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

7. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

8. The authority contained in this order is also upon the express condition that the petitioner, the Republic Light, Heat and Power Company, Inc., accepts and agrees to comply in good faith with any and all orders heretofore made by this Commission affecting rates and service charged or to be rendered by the South Shore Natural Gas and Fuel Company.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issuance of the securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

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[Case No. 6558]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of SILVER CREEK GAS AND IMPROVEMENT COMPANY and REPUBLIC LIGHT, HEAT AND POWER COMPANY, INC., under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

Petition filed under date of August 15, 1918; hearing held September 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Silver Creek Gas and Improvement Company is hereby authorized to transfer all of its franchises, property, and assets as of September 30, 1918, to the Republic Light, Heat and Power Company, Inc., at a price which shall be hereafter determined by the Commission following an examination of the records and property of the former company and after consideration of its outstanding liabilities, provided that the value of all of such assets at the actual date of the transfer to the Republic Light, Heat and Power Company, Inc., shall not be less than their value at September 30, 1918; and this Commission hereby permits and approves the transfer to and acquisition by the Republic Light, Heat and Power Company, Inc., of the property and assets of the Silver Creek Gas and Improvement Company at September 30, 1918, subject to its liabilities then outstanding.

2. That the consent of the Commission is hereby given to the issuance by the Republic Light, Heat and Power Company, Inc., of its common capital stock in payment for the property and assets of said Silver Creek Gas and Improvement Company to a par amount hereinafter to be determined following the completion of the examination which is to be made of the accounts, property, etc., of the latter company in accordance with the provisions of ordering clause No. 1 hereof.

3. That the consent of the Commission is hereby given to the acquisition by the Silver Creek Gas and Improvement Company of the common capital stock of the Republic Light, Heat and Power Company, Inc., authorized to be issued pursuant to the authority contained in ordering clause No. 2 herein and subject to the conditions enumerated in that ordering clause, provided that said stock of the Republic Light, Heat and Power Company, Inc., may only be held by the Silver Creek Gas and Improvement Company temporarily and pending the transfer to it for cancellation of the entire amount of its own capital which is to be delivered to it pursuant to the terms of an order entered concurrently herewith in case No. 6566.

4. That within sixty days after the transactions permitted and approved by ordering clauses 1 and 2 herein shall have been accomplished, there shall be filed with this Commission an affidavit by the president or vice-president of the company to the effect that all of the capital stock of the Silver Creek Gas and Improvement Company has been canceled and that all necessary steps for the legal accomplishment of the dissolution of the Silver Creek Gas and Improvement Company have been instituted.

5. That the Silver Creek Gas and Improvement Company shall within a reasonable time after the consummation of the transfer approved in this

order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the transfer hereby approved.

6. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the Silver Creek Gas and Improvement Company shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

7. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

8. The authority contained in this order is also upon the express condition that the petitioner, the Republic Light, Heat and Power Company, Inc., accepts and agrees to comply in good faith with any and all orders heretofore made by this Commission affecting rates and service charged or to be rendered by the Silver Creek Gas and Improvement Company.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issuance of the securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6559]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of FREDONIA NATURAL GAS LIGHT COMPANY and REPUBLIC LIGHT, HEAT AND POWER COMPANY, INC., under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

Petition filed under date of August 15, 1918; hearing held September 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Fredonia Natural Gas Light Company is hereby authorized to transfer all of its franchises, property, and assets as of September 30, 1918, to the Republic Light, Heat and Power Company, Inc., at a price which shall be hereafter determined by the Commission following

an examination of the records and property of the former company and after consideration of its outstanding liabilities, provided that the value of all of such assets at the actual date of the transfer to the Republic Light, Heat and Power Company, Inc., shall not be less than their value at September 30, 1918; and this Commission hereby permits and approves the transfer to and acquisition by the Republic Light, Heat and Power Company, Inc., of the property and assets of the Fredonia Natural Gas Light Company at September 30, 1918, subject to its liabilities then outstanding.

2. That the consent of the Commission is hereby given to the issuance by the Republic Light, Heat and Power Company, Inc., of its common capital stock in payment for the property and assets of said Fredonia Natural Gas Light Company to a par amount hereinafter to be determined following the completion of the examination which is to be made of the accounts, property, etc., of the latter company in accordance with the provisions of ordering clause No. 1 hereof.

3. That the consent of the Commission is hereby given to the acquisition by the Fredonia Natural Gas Light Company of the common capital stock of the Republic Light, Heat and Power Company, Inc., authorized to be issued pursuant to the authority contained in ordering clause No. 2 herein and subject to the conditions enumerated in that ordering clause, provided that said stock of the Republic Light, Heat and Power Company, Inc., may only be held by the Fredonia Natural Gas Light Company temporarily and pending the transfer to it for cancellation of the entire amount of its own capital stock which is to be delivered to it pursuant to the terms of an order entered concurrently herewith in case No. 6566.

4. That within sixty days after the transactions permitted and approved by ordering clauses 1 and 2 herein shall have been accomplished, there shall be filed with this Commission an affidavit by the president or vice-president of the company to the effect that all of the capital stock of the Fredonia Natural Gas Light Company has been canceled and that all necessary steps for the legal accomplishment of the dissolution of the Fredonia Natural Gas Light Company have been instituted.

5. That the Fredonia Natural Gas Light Company shall within a reasonable time after the consummation of the transfer approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the transfer hereby approved.

6. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the Fredonia Natural Gas Light Company shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

7. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

8. The authority contained in this order is also upon the express condition that the petitioner, the Republic Light, Heat and Power Company, Inc., accepts and agrees to comply in good faith with any and all orders heretofore made by this Commission affecting rates and service charged or to be rendered by the Fredonia Natural Gas Light Company.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issuance of the securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6560]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BABHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of ALDEN-BATAVIA NATURAL GAS COMPANY and REPUBLIC LIGHT, HEAT AND POWER COMPANY, INC., under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

Petition filed under date of August 15, 1918; hearing held September 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Alden-Batavia Natural Gas Company is hereby authorized to transfer all of its franchises, property, and assets as of September 30, 1918, to the Republic Light, Heat and Power Company, Incorporated, at a price which shall be hereafter determined by the Commission following an examination of the records and property of the former company and after consideration of its outstanding liabilities, provided that the value of all of such assets at the actual date of the transfer to the Republic Light, Heat and Power Company, Incorporated, shall not be less than their value at September 30, 1918; and this Commission hereby permits and approves the transfer to and acquisition by the Republic Light, Heat and Power Company, Incorporated, of the property and assets of the Alden-Batavia Natural Gas Company at September 30, 1918, subject to its liabilities then outstanding.

2. That the consent of the Commission is hereby given to the issuance by the Republic Light, Heat and Power Company, Incorporated, of its common capital stock in payment for the property and assets of said Alden-Batavia Natural Gas Company to a par amount hereinafter to be determined following the completion of the examination which is to be made of the accounts, property, etc., of the latter company in accordance with the provisions of ordering clause No. 1 hereof.

3. That the consent of the Commission is hereby given to the acquisition by the Alden-Batavia Natural Gas Company of the common capital stock of the Republic Light, Heat and Power Company, Incorporated, authorized to be issued pursuant to the authority contained in ordering clause No. 2 herein, and subject to the conditions enumerated in that ordering clause, provided that said stock of the Republic Light, Heat and Power Company, Incorporated, may only be held by the Alden-Batavia Natural Gas Company temporarily and pending the transfer to it for cancellation of the entire amount of its own capital stock which is to be delivered to it pursuant to the terms of an order entered concurrently herewith in case No. 6566.

4. That within sixty days after the transactions permitted and approved by ordering clauses 1 and 2 herein shall have been accomplished, there shall be filed with this Commission an affidavit by the president or vice-president of the company to the effect that all of the capital stock of the Alden-Batavia Natural Gas Company has been canceled and that all necessary steps for the legal accomplishment of the dissolution of the Alden-Batavia Natural Gas Company have been instituted.

5. That the Alden-Batavia Natural Gas Company shall within a reasonable time after the consummation of the transfer approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the transfer hereby approved.

6. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the Alden-Batavia Natural Gas Company shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

7. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

8. The authority contained in this order is also upon the express condition that the petitioner, the Republic Light, Heat and Power Company, Inc., accepts and agrees to comply in good faith with any and all orders heretofore made by this Commission affecting rates and service charged or to be rendered by the Alden-Batavia Natural Gas Company.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issuance of the securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6561]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of the ONTARIO GAS COMPANY and REPUBLIC LIGHT, HEAT AND POWER COMPANY, INCORPORATED, under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

Petition filed under date of August 15, 1918; hearing held September 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Ontario Gas Company is hereby authorized to transfer all of its franchises, property, and assets as of September 30, 1918, to the Republic Light, Heat and Power Company, Incorporated, at a price which shall be hereafter determined by the Commission following an examination of the records and property of the former company and after consideration of its outstanding liabilities, provided that the value of all of such assets at the actual date of the transfer to the Republic Light, Heat and Power Company, Incorporated, shall not be less than their value at September 30, 1918; and this Commission hereby permits and approves the transfer to and acquisition by the Republic Light, Heat and Power Company, Incorporated, of the property and assets of the Ontario Gas Company at September 30, 1918, subject to its liabilities then outstanding.

2. That the consent of the Commission is hereby given to the issuance by the Republic Light, Heat and Power Company, Incorporated, of its common capital stock in payment for the property and assets of said Ontario Gas Company to a par amount hereinafter to be determined following the completion of the examination which is to be made of the accounts, property, etc., of the latter company in accordance with the provisions of ordering clause No. 1 hereof.

3. That the consent of the Commission is hereby given to the acquisition by the Ontario Gas Company of the common capital stock of the Republic Light, Heat and Power Company, Incorporated, authorized to be issued pursuant to the authority contained in ordering clause No. 2 herein, and subject to the conditions enumerated in that ordering clause, provided that said stock of the Republic Light, Heat and Power Company, Incorporated, may only be held by the Ontario Gas Company temporarily and pending the transfer to it for cancellation of the entire amount of its own capital stock which is to be delivered to it pursuant to the terms of an order entered concurrently herewith in case No. 6566.

4. That within sixty days after the transactions permitted and approved by ordering clauses 1 and 2 herein shall have been accomplished, there shall be filed with this Commission an affidavit by the president or vice-president of the company to the effect that all of the capital stock of the Ontario Gas Company has been canceled and that all necessary steps for the legal accomplishment of the dissolution of the Ontario Gas Company have been instituted.

5. That the Ontario Gas Company shall within a reasonable time after the consummation of the transfer approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be

required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the transfer hereby approved.

6. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the Ontario Gas Company shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

7. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

8. That the authority contained in this order is also upon the express condition that the petitioner, the Republic Light, Heat and Power Company, Inc., accepts and agrees to comply in good faith with any and all orders heretofore made by this Commission affecting rates and service charged or to be rendered by the Ontario Gas Company.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issuance of the securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6562]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of Joint Petition of THE ATTICA NATURAL GAS COMPANY and REPUBLIC LIGHT, HEAT AND POWER COMPANY, INC., under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

Petition filed under date of August 15, 1918; hearing held September 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Attica Natural Gas Company is hereby authorized to transfer all of its franchises, property, and assets as of September 30, 1918, to the Republic Light, Heat and Power Company, Inc., at a price which shall be hereafter determined by the Commission following an examination of the records and property of the former company and after

consideration of its outstanding liabilities, provided that the value of all of such assets at the actual date of the transfer to the Republic Light, Heat and Power Company, Inc., shall not be less than their value at September 30, 1918; and this Commission hereby permits and approves the transfer to and acquisition by the Republic Light, Heat and Power Company, Inc., of the property and assets of The Attica Natural Gas Company at September 30, 1918, subject to its liabilities then outstanding.

2. That the consent of the Commission is hereby given to the issuance by the Republic Light, Heat and Power Company, Inc., of its common capital stock in payment for the property and assets of said The Attica Natural Gas Company to a par amount hereinafter to be determined following the completion of the examination which is to be made of the accounts, property, etc., of the latter company in accordance with the provisions of ordering clause No. 1 hereof.

3. That the consent of the Commission is hereby given to the acquisition by The Attica Natural Gas Company of the common capital stock of the Republic Light, Heat and Power Company, Inc., authorized to be issued pursuant to the authority contained in ordering clause No. 2 herein and subject to the conditions enumerated in that ordering clause, provided that said stock of the Republic Light, Heat and Power Company, Inc., may only be held by The Attica Natural Gas Company temporarily and pending the transfer to it for cancellation of the entire amount of its own capital stock which is to be delivered to it pursuant to the terms of an order entered concurrently herewith in case No. 6566.

4. That within sixty days after the transactions permitted and approved by ordering clauses 1 and 2 herein shall have been accomplished, there shall be filed with this Commission an affidavit by the president or vice-president of the company to the effect that all of the capital stock of The Attica Natural Gas Company has been canceled and that all necessary steps for the legal accomplishment of the dissolution of The Attica Natural Gas Company have been instituted.

5. That The Attica Natural Gas Company shall within a reasonable time after the consummation of the transfer approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the transfer hereby approved.

6. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of The Attica Natural Gas Company shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

7. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

8. The authority contained in this order is also upon the express condition that the petitioner, the Republic Light, Heat and Power Company, Inc., accepts and agrees to comply in good faith with any and all orders heretofore made by this Commission affecting rates and service charged or to be rendered by The Attica Natural Gas Company.

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Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issuance of the securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6563]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of Joint Petition of THE AKRON NATURAL GAS COMPANY and REPUBLIC LIGHT, HEAT AND POWER COMPANY, INC., under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

Petition filed under date of August 15, 1918; hearing held September 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Akron Natural Gas Company is hereby authorized to transfer all of its franchises, property, and assets as of September 30, 1918, to the Republic Light, Heat and Power Company, Inc., at a price which shall be hereafter determined by the Commission following an examination of the records and property of the former company and after consideration of its outstanding liabilities, provided that the value of all of such assets at the actual date of the transfer to the Republic Light, Heat and Power Company, Inc., shall not be less than their value at September 30, 1918; and this Commission hereby permits and approves the transfer to and acquisition by the Republic Light, Heat and Power Company, Inc., of the property and assets of The Akron Natural Gas Company at September 30, 1918, subject to its liabilities then outstanding.

2. That the consent of the Commission is hereby given to the issuance by the Republic Light, Heat and Power Company, Inc., of its common capital stock in payment for the property and assets of said The Akron Natural Gas Company to a par amount hereinafter to be determined following the completion of the examination which is to be made of the accounts, property, etc., of the latter company in accordance with the provisions of ordering clause No. 1 hereof.

3. That the consent of the Commission is hereby given to the acquisition by The Akron Natural Gas Company of the common capital stock of the Republic Light, Heat and Power Company, Inc., authorized to be issued pursuant to the authority contained in ordering clause No. 2 herein and subject to the conditions enumerated in that ordering clause, provided that said stock of the Republic Light, Heat and Power Company, Inc., may only be held by The Akron Natural Gas Company temporarily and pending the transfer to it for cancellation of the entire amount of its own capital stock which is to be delivered to it pursuant to the terms of an order entered concurrently herewith in case No. 6566.

4. That within sixty days after the transactions permitted and approved by ordering clauses 1 and 2 herein shall have been accomplished, there shall

be filed with this Commission an affidavit by the president or vice-president of the company to the effect that all of the capital stock of The Akron Natural Gas Company has been canceled and that all necessary steps for the legal accomplishment of the dissolution of The Akron Natural Gas Company have been instituted.

5. That The Akron Natural Gas Company shall within a reasonable time after the consummation of the transfer approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the transfer hereby approved.

6. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of The Akron Natural Gas Company shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

7. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

8. The authority contained in this order is also upon the express condition that the petitioner, the Republic Light, Heat and Power Company, Inc., accepts and agrees to comply in good faith with any and all orders heretofore made by this Commission affecting rates and service charged or to be rendered by The Akron Natural Gas Company.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issuance of the securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

464 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6564]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of NORTH BUFFALO NATURAL GAS FUEL COMPANY and REPUBLIC LIGHT, HEAT AND POWER COMPANY, INC., under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

Petition filed under date of August 15, 1918; hearing held September 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the North Buffalo Natural Gas Fuel Company is hereby authorized to transfer all of its franchises, property, and assets as of September 30, 1918, to the Republic Light, Heat and Power Company, Incorporated, at a price which shall be hereafter determined by the Commission following an examination of the records and property of the former company and after consideration of its outstanding liabilities, provided that the value of all of such assets at the actual date of the transfer to the Republic Light, Heat and Power Company, Incorporated, shall not be less than their value at September 30, 1918; and this Commission hereby permits and approves the transfer to and acquisition by the Republic Light, Heat and Power Company, Incorporated, of the property and assets of the North Buffalo Natural Gas Fuel Company at September 30, 1918, subject to its liabilities then outstanding.

2. That the consent of the Commission is hereby given to the issuance by the Republic Light, Heat and Power Company, Incorporated, of its common capital stock in payment for the property and assets of said North Buffalo Natural Gas Fuel Company to a par amount hereinafter to be determined following the completion of the examination which is to be made of the accounts, property, etc., of the latter company in accordance with the provisions of ordering clause No. 1 hereof.

3. That the consent of the Commission is hereby given to the acquisition by the North Buffalo Natural Gas Fuel Company of the common capital stock of the Republic Light, Heat and Power Company, Inc., authorized to be issued pursuant to the authority contained in ordering clause No. 2 herein and subject to the conditions enumerated in that ordering clause, provided that said stock of the Republic Light, Heat and Power Company, Incorporated, may only be held by the North Buffalo Natural Gas Fuel Company temporarily and pending the transfer to it for cancellation of the entire amount of its own capital stock which is to be delivered to it pursuant to the terms of an order entered concurrently herewith in case No. 6566.

4. That within sixty days after the transactions permitted and approved by ordering clauses 1 and 2 herein shall have been accomplished, there shall be filed with this Commission an affidavit by the president or vice-president of the company to the effect that all of the capital stock of the North Buffalo Natural Gas Fuel Company has been canceled and that all necessary steps for the legal accomplishment of the dissolution of the North Buffalo Natural Gas Fuel Company have been instituted.

5. That the North Buffalo Natural Gas Fuel Company shall within a reasonable time after the consummation of the transfer approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the transfer hereby approved.

6. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the North Buffalo Natural Gas Fuel Company shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

7. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

8. The authority contained in this order is also upon the express condition that the petitioner, the Republic Light, Heat and Power Company, Inc., accepts and agrees to comply in good faith with any and all orders heretofore made by this Commission affecting rates and service charged or to be rendered by the North Buffalo Natural Gas Fuel Company.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issuance of the securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6565]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of NIAGARA LIGHT, HEAT AND POWER COMPANY and REPUBLIC LIGHT, HEAT AND POWER COMPANY, INC., under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

Petition filed under date of August 15, 1918; hearing held September 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Niagara Light, Heat and Power Company is hereby authorized to transfer all of its franchises, property, and assets as

of September 30, 1918, to the Republic Light, Heat and Power Company, Inc., at a price which shall be hereafter determined by the Commission following an examination of the records and property of the former company and after consideration of its outstanding liabilities, provided that the value of all of such assets at the actual date of the transfer to the Republic Light, Heat and Power Company, Inc., shall not be less than their value at September 30, 1918; and this Commission hereby permits and approves the transfer to and acquisition by the Republic Light, Heat and Power Company, Inc., of the property and assets of the Niagara Light, Heat and Power Company at September 30, 1918, subject to its liabilities then outstanding.

2. That the consent of the Commission is hereby given to the issuance by the Republic Light, Heat and Power Company, Inc., of its common capital stock in payment for the property and assets of said Niagara Light, Heat and Power Company to a par amount hereinafter to be determined following the completion of the examination which is to be made of the accounts, property, etc., of the latter company in accordance with the provisions of ordering clause No. 1 hereof.

3. That the consent of the Commission is hereby given to the acquisition by the Niagara Light, Heat and Power Company of the common capital stock of the Republic Light, Heat and Power Company, Inc., authorized to be issued pursuant to the authority contained in ordering clause No. 2 herein and subject to the conditions enumerated in that ordering clause, provided that said stock of the Republic Light, Heat and Power Company, Inc., may only be held by the Niagara Light, Heat and Power Company temporarily and pending the transfer to it for cancellation of 4590 shares of its own capital stock, out of a total of 4991 shares of said stock outstanding, which is to be delivered to it pursuant to the terms of an order entered concurrently herewith in case No. 6566.

4. That within sixty days after the transactions permitted and approved by ordering clauses 1 and 2 herein shall have been accomplished, there shall be filed with this Commission an affidavit by the president or vice-president of the company to the effect that all of the capital stock of the Niagara Light, Heat and Power Company has been canceled and that all necessary steps for the legal accomplishment of the dissolution of the Niagara Light, Heat and Power Company have been instituted.

5. That the Niagara Light, Heat and Power Company shall within a reasonable time after the consummation of the transfer approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the transfer hereby approved.

6. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the Niagara Light, Heat and Power Company shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

7. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

8. The authority contained in this order is also upon the express condition that the petitioner, the Republic Light, Heat and Power Company, Inc., accepts and agrees to comply in good faith with any and all orders heretofore made by this Commission affecting rates and service charged or to be rendered by the Niagara Light, Heat and Power Company.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issuance of the securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6566]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of FROST GAS COMPANY under section 70 of the Public Service Commissions Law for authority to acquire all of the capital stock of the Republic Light, Heat and Power Company, Inc.

Petition filed August 15, 1918; hearing held September 25, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Frost Gas Company, which now owns the stocks of nine operating companies to the extent hereinafter enumerated, is hereby authorized to acquire and hold all of the capital stock of the Republic Light, Heat and Power Company, Inc., authorized to be issued to said nine companies pursuant to the authority contained in orders entered simultaneously herewith in cases Nos. 6557 to 6565 inclusive, the consideration for said stock of the Republic Light, Heat and Power Company, Inc., to be (a) all of the outstanding capital stocks of the following eight companies: South Shore Natural Gas and Fuel Company, Silver Creek Gas and Improvement Company, Fredonia Natural Gas Light Company, Alden-Batavia Natural Gas Company, Ontario Gas Company, Attica Natural Gas Company, Akron Natural Gas Company, North Buffalo Natural Gas Fuel Company; (b) 4590 shares of the capital stock of the Niagara Light, Heat and Power Company out of a total of 4991 shares outstanding.

2. That the Frost Gas Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock of the Republic Light, Heat and Power Company, Inc., has been acquired under the authority contained in this order and the name of each corporation from which such acquisition was made; (b) the date of such acquisition; (c) in detail the consideration given to each corporation for the stock of the Republic Light, Heat and Power Company, Inc., acquired from it. Such reports shall continue to be filed until all of the stock of the Republic Light, Heat and Power Company, Inc., authorized to be acquired in accordance with the authority contained herein shall have been so acquired, and if during any period none of such stock was acquired the report shall set forth such fact.

3. That the authority contained in this order to acquire stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is acquired pursuant hereto and within thirty days of the service hereof the company shall advise

the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

[Case No. 6588]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BAEHTE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of NORTHERN NEW YORK UTILITIES, INC., under section 68, Public Service Commissions Law, for permission to construct an electric plant in the town of Martinsburg, Lewis county, and for approval of the exercise of a franchise therefor received from the town.

The Northern New York Utilities, Inc., having filed its petition with this Commission asking for the approval of a franchise heretofore granted it by the town board and town superintendent of highways of the Town of Martinsburg, Lewis county, N. Y., and that it may be permitted and authorized to begin construction of an electric system in the said town of Martinsburg; and the application having come on to be heard before the Commission at the courthouse in the city of Utica on the 11th day of October, 1918; and due proof of publication of the pendency of this application having been filed; and the petitioner having appeared by F. A. Rogers, its general manager; and it appearing that Hirschey & Lewis, copartnership, have an application pending before this Commission for the approval of a franchise granted to it by the same Town of Martinsburg, Lewis county, said application being case No. 6554; and it further appearing that the said Hirschey & Lewis and the Northern New York Utilities, Inc., have agreed as to the division of territory in the town of Martinsburg between the said two applicants and have filed said agreement with this Commission; and this Commission having determined after due hearing that the construction of the plant of the said petitioner and the exercise of the right, privilege, and franchise granted to said petitioner by the authorities of the said Town of Martinsburg, Lewis county, in the portion of the said town hereinafter mentioned, are necessary and convenient for the public service, it is

Ordered: That the franchise granted to the Northern New York Utilities, Inc., by the authorities of the Town of Martinsburg, Lewis county, N. Y., on the 27th day of April, 1917, be and the same is hereby approved; and the said Northern New York Utilities, Inc., be and the same is hereby authorized and permitted to begin construction and to complete and maintain its electric lines, poles, conduits, and other apparatus in that portion of the town of Martinsburg, Lewis county, N. Y., hereinafter mentioned, and to exercise the rights and privileges granted to it by the authorities of said Town of Martinsburg pursuant to said franchise granted on the 27th day of April, 1917, in that portion of the town of Martinsburg described as follows: all that part of the town of Martinsburg, Lewis county, N. Y., north of Whetstone creek, exclusive of the hamlets of Glendale, East Martinsburg, and the river road, so called, from Glenfield to East Martinsburg; and also for the purpose of erecting and maintaining poles, conduits, and other apparatus for electrical transmission only through that part of the town of Martinsburg in which the franchise is not otherwise approved.

Further Ordered: That said company shall not enter upon or construct any works in or upon any state or county highway which has been or may be improved under the provisions of the highway law of the State of New York except upon the approval of and under such conditions and regulations as may be prescribed by the State Commission of Highways.

[Cases Nos. 5751, 5769]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the LOCKPORT GAS AND ELECTRIC LIGHT COMPANY under subdivision 3, section 61, Transportation Corporations Law, that it may merge with itself the Lockport Light, Heat and Power Company under section 15, Stock Corporation Law.

Amendatory
order.

In the matter of the Petition of the LOCKPORT LIGHT, HEAT AND POWER COMPANY under sections 69 and 82, Public Service Commissions Law, for authority to issue \$400,000 capital stock, common and preferred.

Petitions filed October 28 and November 3, 1916; reports of division of capitalization dated February 9 and March 1, 1917; hearings held April 4 and May 24, 1917; report of division of light, heat, and power dated March 6, 1917; final report of division of capitalization dated May 29, 1917; supplemental petition filed June 12, 1917; order entered June 19, 1917; form of indenture of further assurance filed July 14, 1917; supplemental order entered August 8, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the authority contained in the order entered herein under date of June 19, 1917, to issue \$300,000 face value of its 2-year 6 per cent gold notes, \$50,000 par value of common capital stock, \$250,000 par value of its 7 per cent cumulative preferred capital stock, and to use the proceeds to be realized therefrom for the purposes set forth in said order, is hereby canceled and revoked.

2. That in all other respects the terms and conditions of said order of June 19, 1917, shall remain in full force and effect.

470 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6154]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY under section 55, Public Service Commissions Law, for authority to issue \$1,500,000 in consolidated mortgage 4½ per cent bonds. Second
amendatory
order.

See petition for authority to pledge bonds as collateral and supplemental petition as to collateral.

Petition filed August 2, 1917; report of division of capitalization dated August 21, 1917; order entered August 21, 1917; supplemental petition filed February 9, 1918; amended supplemental petition filed February 21, 1918; hearing held February 23, 1918; order entered February 26, 1918; second supplemental petition filed October 3 1918; report of division of capitalization dated October 10, 1918. Now therefore, upon the foregoing record,

Ordered: That the authorization of this Commission under the order entered herein on the 26th day of February, 1918, to pledge \$1,200,000 face amount of its 4½ per cent 50-year consolidated mortgage bonds heretofore authorized to be issued as collateral security for its short-term loans aggregating \$1,000,000, provided that certain prohibitions therein set forth are observed, is hereby extended for a period of six months from the 4th day of September, 1918.

[Case No. 6530]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of INGALLS' MOTOR BUS LINE, INC., under section 55 of the Public Service Commissions Law for authority to issue *nunc pro tunc* \$2000 common capital stock.

Petition filed July 30, 1918; report of division of capitalization dated October 8, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the issuance by Ingalls' Motor Bus Line, Incorporated, up to and including April 13, 1916, of \$2000 of its common capital stock, and the use of the proceeds realized from the sale thereof at par for the purchase of a motor bus and necessary equipment, are hereby authorized *nunc pro tunc*.

2. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its

terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the stock herein authorized was reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6597]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

Petition of FULTON CHAIN RAILWAY COMPANY under section 86, Railroad Law, for permission to suspend operation of its railway during the winter months.

Fulton Chain Railway Company having filed with this Commission a petition under section 86 of the Railroad Law for permission to cease operation of its railway in all of the months of the years 1918-1919, except the months of June, July, August, and September, as named in the statute; and a public hearing on said petition, after due notice, having been held by Commissioner Fennell of this Commission in the city of Albany on October 9, 1918, John K. Graves and Visscher, Whalen & Austin appearing for the petitioner, and no one else appearing; and it appearing from the evidence that this railway extends from Fulton Chain station on the New York Central railroad to Old Forge, in Herkimer county, a distance of 2.21 miles; that it was intended for and is used for summer travel; that it has been in existence for upward of twenty years and has ceased operation each year except during said months; that there is little passenger or freight traffic to be handled by it except during said months; and that it is a railway such as section 86 of the Railroad Law contemplates may thus be permitted to suspend operation. Now, after due consideration and in view of the above facts, it is

Ordered: That under section 86 of the Railroad Law, this Commission hereby permits Fulton Chain Railway Company to cease operation of its railway in all of the months of the years 1918-1919 except the months of June, July, August, and September.

472 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6598]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

Petition of MORRIS LIGHT AND POWER CORPORATION under section 68, Public Service Commissions Law, for permission to construct an electric plant in the incorporated village of Morris, Otsego county, and for approval of a franchise therefor received from the village.

The Morris Light and Power Company seeks permission under section 68 of the Public Service Commissions Law to construct in the incorporated village of Morris, Otsego county, an electric plant for transmitting and furnishing to the public electricity for light, heat, or power; and also for approval of a franchise therefor received from the president and trustees of the Village of Morris September 27, 1918. At a public hearing held in the city of Albany October 17, 1918, there was no appearance in opposition to the granting of the application. It is determined and stated that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Morris Light and Power Corporation under section 68 of the Public Service Commissions Law to erect, place, maintain, and re-place electric light poles, conduits, wires, and necessary fixtures therefor, in, over, under, and upon any of the streets, highways, roads, avenues, lanes, parks, public places, and grounds in the said village of Morris, now in use or hereafter opened and used in said town; and to install, maintain, and operate an electric light plant and necessary equipment in said town, and to furnish electricity for light, heat, and power therein, and to use the poles, conduits, wires, and electric light plant and equipment so to be constructed for the purpose of producing, furnishing, transmitting, and selling electricity for light, heat, and power purposes to the said village and to the inhabitants thereof.

2. That the permission and approval of the Commission be given to said Morris Light and Power Corporation to exercise the rights and privileges conferred by said franchise granted by the president and trustees of the Village of Morris September 27, 1918, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 6438]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of October, 1918.

Present:

FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of the OTISCO LIGHT AND POWER COMPANY,
INC., under section 68, Public Service Commissions
Law, for permission to construct an electric plant in
town of Otisco, Onondaga county; also Joint Peti-
tion under section 70, Public Service Commissions
Law.

The Otisco Light and Power Company having filed a petition with this Commission asking for the approval of a franchise heretofore granted to it by the town board of the Town of Otisco, Onondaga county, N. Y.; and the Otisco Light and Power Company, Inc., and Earl T. Harter, individually, having presented a joint petition to this Commission asking the approval of the Commission to the transfer by the said Earl T. Harter to the said Otisco Light and Power Company, Inc., of all his right, title, and interest in and to a certain electric lighting plant in the town of Otisco, Onondaga county, N. Y.; and the application having come on to be heard before the Commission on the 31st day of May, 1918, at which time the petitioners appeared by Horace M. Stone, esq., of Syracuse, N. Y., their attorney, and due proof of publication of the pendency of this application having been filed, and no one appearing in opposition; and it appearing that the said Earl T. Harter has been operating an electric lighting plant in the unincorporated village or hamlet of Otisco, in said town of Otisco, Onondaga county, N. Y., and that he has caused the Otisco Light and Power Company, Inc., to be incorporated for the purpose of taking over and operating the said lighting plant; and the said Otisco Light and Power Company, Inc., has procured from the authorities of the Town of Otisco aforesaid the franchise permitting it to use the highways in said town for the purpose of transmitting electricity; and it appearing that there is no other utility furnishing either gas or electricity for lighting purposes in said town of Otisco; and this Commission having determined after due hearing that the construction of the plant of the petitioner in the said town of Otisco, Onondaga county, N. Y., and the exercise of the right, privilege, and franchise granted to said petitioner by the authorities of said Town of Otisco are necessary and convenient for the public service, it is

Ordered: That the franchise granted to the Otisco Light and Power Company, Inc., by the town board of the Town of Otisco, Onondaga county, N. Y., on the 21st day of February, 1918, be and the same is hereby approved; and the said Otisco Light and Power Company, Inc., is hereby authorized and permitted to begin construction and to complete an electric plant, and to maintain electric light poles and other apparatus in the said town of Otisco, and to exercise the rights and privileges granted to it by the town board of said Town of Otisco pursuant to the said franchise granted on the 21st day of February, 1918. And it is further

Ordered: That the said Otisco Light and Power Company, Inc., shall not enter upon or construct any works in or upon any state or county highway which has been or may be improved under the provisions of the Highway Law of the State of New York except upon the approval of and under such conditions and regulations as may be prescribed by the State Commission of Highways. And it is further

Ordered: That the consent of the Commission be and it hereby is granted to the transfer by Earl T. Harter to the Otisco Light and Power Company,

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Inc., of all his right, title, and interest in and to a certain electric lighting plant maintained by him in the town of Otisco, Onondaga county, N. Y.

[Case No. 6439]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of October, 1918.

Present:

FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of THE OTISCO LIGHT AND POWER COMPANY, INCORPORATED, under section 69 of the Public Service Commissions Law for authority to issue \$5300 in common capital stock.

Petition filed May 14, 1918; amendatory petition filed July 30, 1918; report of division of light, heat, and power dated September 16, 1918; final report of division of capitalization dated September 18, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Otisco Light and Power Company, Incorporated, is hereby authorized to issue \$2500 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize proceeds of at least \$2500.

2. That the proceeds of said stock so authorized, which shall not be less than \$2500, shall be used solely and exclusively for the following purposes:

(a) For the acquisition of property facilities, as follows:

Electric generators:

1 Robbins & Meyers d.c. generator, 110 volts, 45.5 amp., 5 kw., 1100 r.p.m., installed.....	\$300.00
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Accessory electric power equipment:

1 Slate panel 18x24", on pipe frame, on which is mounted 1 150-volt voltmeter; 1 ammeter 30-0-30; 1 recording amp. ammeter; 1 field rheostat; 1 bat- tery control rheostat; 1 d.p.d.l. switch, 50-amp.; 1 d.p. reverse current relay.....	\$100.00	
94 cells Edison B-6-110 batteries, installed.....	1,300.00	
		1,400.00

Poles and fixtures:

20 25' chestnut poles.....	\$100.00	
20 2 pin-pole top brackets.....	20.00	
		120.00

Distribution system:

4500' No. 4 w.p. wire (service wire included).....	310.50
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\$2,130.50

(b) To compensate Bessie L. Harter, secretary and treasurer of the company, for services during the construction period.....	100.00
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(c) To Maurice A. Phelps for legal services.....	100.00
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(d) For working capital.....	169.50
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\$2,500.00

3. That The Otisco Light and Power Company, Incorporated, shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause No. 2 of this order there shall be shown in detail the amount of the proceeds of the stock herein authorized which has been expended during such period for each of the purposes specified therein, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have

been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) with respect to subdivisions (b), (c), and (d) of clause No. 2 there shall be shown the amount of stock proceeds used during the period for each of the purposes specified therein. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or proceeds expended the report shall set forth such fact.

4. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6620]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of October, 1918.

Present:

FRANK IRVINE,
THOMAS F. FENNELL,
JEBOME L. CHENEY,
Commissioners.

In the matter of the CLYMER POWER COMPANY having Order to
failed to file copy of its schedule of rates. show cause.

It appearing from the records that the Clymer Power Company has not filed with this Commission copies of its schedules of rates for electricity as required by this Commission's orders contained in its Circular No. 65 and supplement No. 1 thereto, and said corporation's attention having been called in a number of instances to such neglect, the latest being September 14, 1918, and no response having been received, it is

Ordered: That the Clymer Power Company be and hereby is required to appear before this Commission, at its office, 58 North Pearl street, in the city of Albany, N. Y., on the 28th day of October, 1918, at 2 o'clock p. m., and show cause why this Commission should not direct its counsel to institute a proceeding in accordance with section 74 of the Public Service Commissions Law, to compel said corporation to obey the orders of this Commission contained in its Circular No. 65 and supplement No. 1 thereto, which circular and supplement were served on said corporation on March 29, 1918.

476 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6621]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of October, 1918.**

Present:

**FRANK IRVINE,
THOMAS F. PENNELL,
JEROME L. CHENEY,
Commissioners.**

**In the matter of the CLINTON LIGHT, HEAT AND POWER
COMPANY having failed to file copy of its schedule of
rates. Order to
show cause.**

It appearing from the records that the Clinton Light, Heat and Power Company has not filed with this Commission copies of its schedules of rates for electricity as required by this Commission's orders contained in its Circular No. 65 and supplement No. 1 thereto, and said corporation's attention having been called in a number of instances to such neglect, the latest being September 14, 1918, and no response having been received, it is

Ordered: That the Clinton Light, Heat and Power Company be and hereby is required to appear before this Commission, at its office, 58 North Pearl street, in the city of Albany, N. Y., on the 28th day of October, 1918, at 2 o'clock p. m., and show cause why this Commission should not direct its counsel to institute a proceeding in accordance with section 74 of the Public Service Commissions Law, to compel said corporation to obey the orders of this Commission contained in its Circular No. 65 and supplement No. 1 thereto, which circular and supplement were served on said corporation on October 27, 1916.

[Case No. 6622]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of October, 1918.**

Present:

**FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.**

**In the matter of the GREEN ISLAND ELECTRIC LIGHT
COMMISSION, Green Island, N. Y., having failed to file
a copy of its schedule of rates. Order to
show cause.**

It appearing from the records that the Green Island Electric Light Commission, Green Island, N. Y., has not filed with this Commission copies of its schedules of rates for electricity as required by this Commission's orders contained in its Circular No. 65 and supplement No. 1 thereto, and said electric light commission's attention having been called in a number of instances to such neglect, the latest being September 24, 1918, and no response having been received, it is

Ordered: That the Green Island Electric Light Commission, Green Island, N. Y., be and hereby is required to appear before this Commission at its office, 58 North Pearl street, in the city of Albany, N. Y., on the 28th day of October, 1918, at 2 o'clock p. m. and show cause why this Commission should not direct its counsel to institute a proceeding in accordance with section 74 of the Public Service Commissions Law, to compel said electric light commission to obey the orders of this Commission contained in its Circular No. 65 and supplement No. 1 thereto, which circular and supplement were served on said electric light commission on January 21, 1915, and February 5, 1915, respectively.

[Case No. 6626]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of October, 1918.

*Present:*FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariff filed by the WARREN AND JAMESTOWN STREET RAILWAY COMPANY designated as its P. S. C., 2 N. Y., No. 3, proposing increased fares, rates, charges, etc. Suspension order.

It appearing that there has been filed with this Commission by the Warren and Jamestown Street Railway Company a passenger tariff containing schedules stating proposed new individual fares, charges, and regulations and practices affecting such fares and charges, to become effective October 24, 1918, designated as follows: Warren and Jamestown Street Railway Company local passenger tariff P. S. C., 2 N. Y., No. 3.

Ordered: That this Commission, upon its own motion and upon protest filed with it by R. D. Anderson, Jamestown, N. Y., on behalf of certain patrons of said railway company, shall without formal pleading enter upon a hearing concerning the propriety of the proposed new fares, charges, and rules and regulations stated in the schedules contained in said tariff.

It further appearing that the said schedules propose to make certain increases in fares or charges and rules and regulations applying in connection therewith for the transportation of passengers between points upon its line within this State, and that the interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of the schedules contained in said specified tariff should be postponed pending a hearing and decision thereon, it is

Further Ordered: 1. That the operation of the tariff containing the proposed new schedules be and it is hereby suspended to and including November 23, 1918, and that the use of the fares, charges, regulations, and practices therein stated be and is hereby deferred for the same period.

2. That a copy of this order be filed with said tariff in the office of this Commission, and also that a copy be served upon the Warren and Jamestown Street Railway Company, and that all interested parties be duly notified that a hearing thereon will be held on Monday, November 4, 1918, at 1 o'clock p. m., in the common council chambers, City Hall, city of Jamestown, N. Y.

[Case No. 6085]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1918.

*Present:*CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of schedule of passenger fares filed with this Commission July 29, 1918, by the HUDSON VALLEY RAILWAY COMPANY. Second suspension order.

The Commission by order dated the 20th day of August, 1918, entered upon an investigation concerning the propriety of the proposed fares, charges,

476 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6621]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of October, 1918.

Present:

FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the CLINTON LIGHT, HEAT AND POWER COMPANY having failed to file copy of its schedule of rates.

Order to
show cause.

It appearing from the records that the Clinton Light, Heat and Power Company has not filed with this Commission copies of its schedules of rates for electricity as required by this Commission's orders contained in its Circular No. 65 and supplement No. 1 thereto, and said corporation's attention having been called in a number of instances to such neglect, the latest being September 14, 1918, and no response having been received, it is

Ordered: That the Clinton Light, Heat and Power Company be and hereby is required to appear before this Commission, at its office, 58 North Pearl street, in the city of Albany, N. Y., on the 28th day of October, 1918, at 2 o'clock p. m., and show cause why this Commission should not direct its counsel to institute a proceeding in accordance with section 74 of the Public Service Commissions Law, to compel said corporation to obey the orders of this Commission contained in its Circular No. 65 and supplement No. 1 thereto, which circular and supplement were served on said corporation on October 27, 1916.

[Case No. 6622]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of October, 1918.

Present:

FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the GREEN ISLAND ELECTRIC LIGHT COMMISSION, Green Island, N. Y., having failed to file a copy of its schedule of rates.

Order to
show cause.

It appearing from the records that the Green Island Electric Light Commission, Green Island, N. Y., has not filed with this Commission copies of its schedules of rates for electricity as required by this Commission's orders contained in its Circular No. 65 and supplement No. 1 thereto, and said electric light commission's attention having been called in a number of instances to such neglect, the latest being September 24, 1918, and no response having been received, it is

Ordered: That the Green Island Electric Light Commission, Green Island, N. Y., be and hereby is required to appear before this Commission at its office, 58 North Pearl street, in the city of Albany, N. Y., on the 28th day of October, 1918, at 2 o'clock p. m. and show cause why this Commission should not direct its counsel to institute a proceeding in accordance with section 74 of the Public Service Commissions Law, to compel said electric light commission to obey the orders of this Commission contained in its Circular No. 65 and supplement No. 1 thereto, which circular and supplement were served on said electric light commission on January 21, 1915, and February 5, 1915, respectively.

[Case No. 6626]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of October, 1918.

Present:

FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariff filed by the WARREN AND JAMESTOWN STREET RAILWAY COMPANY designated as its P. S. C., 2 N. Y., No. 3, proposing increased fares, rates, charges, etc. Suspension order.

It appearing that there has been filed with this Commission by the Warren and Jamestown Street Railway Company a passenger tariff containing schedules stating proposed new individual fares, charges, and regulations and practices affecting such fares and charges, to become effective October 24, 1918, designated as follows: Warren and Jamestown Street Railway Company local passenger tariff P. S. C., 2 N. Y., No. 3.

Ordered: That this Commission, upon its own motion and upon protest filed with it by R. D. Anderson, Jamestown, N. Y., on behalf of certain patrons of said railway company, shall without formal pleading enter upon a hearing concerning the propriety of the proposed new fares, charges, and rules and regulations stated in the schedules contained in said tariff.

It further appearing that the said schedules propose to make certain increases in fares or charges and rules and regulations applying in connection therewith for the transportation of passengers between points upon its line within this State, and that the interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of the schedules contained in said specified tariff should be postponed pending a hearing and decision thereon, it is

Further Ordered: 1. That the operation of the tariff containing the proposed new schedules be and it is hereby suspended to and including November 23, 1918, and that the use of the fares, charges, regulations, and practices therein stated be and is hereby deferred for the same period.

2. That a copy of this order be filed with said tariff in the office of this Commission, and also that a copy be served upon the Warren and Jamestown Street Railway Company, and that all interested parties be duly notified that a hearing thereon will be held on Monday, November 4, 1918, at 1 o'clock p. m., in the common council chambers, City Hall, city of Jamestown, N. Y.

[Case No. 6085]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of schedule of passenger fares filed with this Commission July 29, 1918, by the HUDSON VALLEY RAILWAY COMPANY. Second suspension order.

The Commission by order dated the 20th day of August, 1918, entered upon an investigation concerning the propriety of the proposed fares, charges,

regulations, and practices stated in passenger tariff designated as follows: Hudson Valley Railway Company local passenger tariff P. S. C., 2 N. Y., No. 24; and pending hearing and decision thereon ordered that said tariff publication be suspended, and the use of the fares, charges, regulations, and practices contained be deferred to and including October 27, 1918; and it now appearing that such investigation can not be concluded within the period of suspension, it is

Ordered: 1. That the operation of said designated tariff publication of the Hudson Valley Railway Company be further suspended until and including November 27, 1918, and that the use of the fares, charges, regulations, and practices be further deferred for the same period.

2. That a copy of this order be filed with said specified tariff in the office of this Commission, and a copy hereof be forthwith served upon the Hudson Valley Railway Company.

[Case No. 6238]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNEL, L,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of ELIZABETHTOWN AND ADIRONDACKS RAILROAD COMPANY, INC., for permission to operate its railroad and to exercise the rights and franchises acquired through the reorganization of the former Elizabethtown Terminal Railroad Company; and to issue its capital stock to the amount of \$150,000; and to issue its first mortgage upon its property and franchises in the sum of \$500,000, and for authority to issue its first mortgage bonds to be secured by said mortgage to the amount of \$225,000.

Petition filed October 24, 1917; order entered November 13, 1917; report of division of steam railroads dated June 21, 1918; report of division of capitalization dated June 25, 1918; supplemental petition filed September 26, 1918; report of division of capitalization dated October 17, 1918. Now therefore, upon the foregoing record,

Ordered: That the Elizabethtown and Adirondacks Railroad Company is hereby authorized to charge expenditures incurred in its reorganization as listed in a supplemental petition filed on September 26, 1918, and aggregating \$9295.19, to the account "Organization Expense," provided for in the Classification of Investments in Road and Equipment of Steam Roads promulgated by the Interstate Commerce Commission and adopted by this Commission.

[Cases Nos. 6453, 6614]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the proposed consolidation of the CLIFF ELECTRICAL DISTRIBUTING COMPANY, THE NIAGARA FALLS POWER COMPANY, and HYDRAULIC POWER COMPANY OF NIAGARA FALLS.

In the matter of the Joint Petition of CLIFF ELECTRICAL DISTRIBUTING COMPANY, THE NIAGARA FALLS POWER COMPANY, and HYDRAULIC POWER COMPANY OF NIAGARA FALLS under chapter 596 of the laws of 1918 for approval of the consolidation of said companies into a new corporation to be named The Niagara Falls Power Company; and for approval of the issuance of \$26,000,000 capital stock, common and preferred, by said new corporation.

Case No. 6453: Hearings held April 24, May 2 and 16, June 26, and September 5 and 12, 1918. Correspondence file .001; hearing held before the Governor May 9, 1918.

Case No. 6614: Petition filed October 16, 1918; copy of joint agreement of consolidation filed October 16, 1918; hearing held October 24, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That pursuant to chapter 596 of the laws of 1918, the joint agreement of consolidation dated September 20, 1918, of the Cliff Electrical Distributing Company, The Niagara Falls Power Company, and Hydraulic Power Company of Niagara Falls is hereby approved.

2. That the capitalization which The Niagara Falls Power Company, the new corporation, may issue under the aforesaid joint agreement of consolidation is as follows: (a) Preferred capital stock of the par value of \$11,515,400, said stock to be entitled to receive 7 per cent cumulative dividends from October 1, 1918, in accordance with the provisions set forth in said agreement; (b) common capital stock of the par value of \$14,484,600.

3. That The Niagara Falls Power Company is hereby authorized to issue \$26,000,000 par value of its capital stock, \$11,515,400 of which shall be classified as 7 per cent cumulative preferred capital stock, and \$14,484,600 shall be classified as common capital stock.

4. That the issue and distribution of the stocks of The Niagara Falls Power Company herein authorized to be issued under said joint agreement of consolidation shall be as follows:

<i>Preferred stock</i>	<i>Common stock</i>	<i>To be distributed ratably among the stockholders of the</i>
	\$540,000.00	Cliff Electrical Distributing Company for the 5000 shares of the stock of that company of the par value of \$100 each.
\$11,515,400.00	984,566.70	The Niagara Falls Power Company for the 57,577 shares of the stock of that company of the par value of \$100 each.
	12,960,000.00	Hydraulic Power Company of Niagara Falls for the 120,000 shares of the stock of that company of the par value of \$100 each.
<hr/> \$11,515,400.00	<hr/> \$14,484,566.70	

5. That The Niagara Falls Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been distributed during each period in accordance with the authority contained herein; (b) the date of such distribution; (c) to whom such stocks were distributed, together with the actual distribution thereof to the participants under said joint agreement. Such reports shall continue to be filed until all of such stocks shall have been distributed in accordance with the authority contained herein, and if during any period no stocks were distributed the report shall set forth such fact.

6. That immediately upon the consummation of such consolidation herein authorized and approved The Niagara Falls Power Company shall file with this Commission an affidavit setting forth the exact date when such consolidation was fully and finally consummated.

7. That within six months from the date of this order the consolidated corporation, The Niagara Falls Power Company, shall submit to this Commission for approval a detailed allocation of the cost to it of the properties of the three companies herein authorized to be consolidated, which approval must be obtained before such allocation is spread upon the books of the petitioner.

8. That the consolidated corporation, The Niagara Falls Power Company, shall within a reasonable time after the consummation of the consolidation herein proposed file with the Commission all such annual or other periodic reports as are or would be ordinarily required of the companies forming such consolidation.

9. That the authority contained in this order to consolidate and to issue stock is upon the express condition that the new corporation accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said new corporation shall file with the Commission a satisfactory, verified stipulation over the signature of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect unless such stipulation shall be filed as last above provided.

[Case No. 6581]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of LOCKPORT LIGHT, HEAT AND POWER COMPANY under sections 69 and 82 of the Public Service Commissions Law for authority to issue a general mortgage for \$350,000 and an equal amount of 7 per cent bonds to be secured thereby.

Petition filed September 11, 1918; report of division of capitalization dated September 18, 1918; hearing held October 3, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Lockport Light, Heat and Power Company is hereby authorized to execute and deliver to The Equitable Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust,

or mortgage upon all its plant and property dated the 16th day of July, 1918, to secure an issue of general mortgage one and one-half year bonds to the aggregate amount of \$350,000 face value, bearing interest at the rate of 7 per cent per annum; a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission, and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

3. That the Lockport Light, Heat and Power Company is hereby authorized to issue \$350,000 face value of its 7 per cent one and one-half year general mortgage bonds under the aforesaid mortgage.

4. That the said bonds herein authorized shall be used solely and exclusively for the purpose of even exchange on a basis of face value for face value for a like amount of the one year 6 per cent notes of the petitioner now outstanding, provided that if only a portion of such bonds of a total face value of \$350,000 shall be used for said purpose the said partial exchange shall likewise be on the basis of face value for face value.

5. That the Lockport Light, Heat and Power Company is hereby authorized to pay a banker's commission which shall not exceed 3 per cent of the face amount of the bonds herein authorized to be issued and for which the present outstanding 6 per cent notes may be exchanged.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Lockport Light, Heat and Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Lockport Light, Heat and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been exchanged during such period; (b) the dates of such exchanges; (c) with whom such bonds were exchanged; (d) what proceeds, in notes, were realized from such exchanges; (e) any other terms and conditions of such transactions. Such reports shall continue to be filed until all of said bonds shall have been exchanged in accordance with the authority contained herein, and if during any period no bonds were exchanged the report shall set forth such fact.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the bonds herein authorized are reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income except to the amount of \$33,763.63.

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[Case No. 6594]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of THE WATERVILLE GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to make a mortgage for \$50,000, and to issue now \$15,000 in 5 per cent 30-year bonds to be secured thereby.

Audit and appraisal of property of company filed June 10, 1918; petition filed September 26, 1918; preliminary report of division of capitalization dated October 18, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Waterville Gas and Electric Company is hereby authorized to execute and deliver to the Citizens Trust Company of Utica, New York, as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property dated the 1st day of July, 1918, to secure an issue of first mortgage 30-year gold bonds to the aggregate amount of \$50,000 face value, bearing interest at the rate of 5 per cent per annum; a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission, and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

3. That The Waterville Gas and Electric Company is hereby authorized to issue \$15,000 face value of its 5 per cent 30-year first mortgage gold bonds under the aforesaid mortgage.

4. That said bonds of the total face value of \$15,000 may be sold for not less than 90 per cent of their face value to realize net proceeds of at least \$13,500.

5. That the proceeds of said bonds so authorized, which shall not be less than \$13,500, shall be used solely and exclusively for the following purposes:

(a) To refund outstanding first mortgage 6% bonds due March 1, 1918	\$2,500.00
(b) To apply toward refunding notes payable outstanding at January 1, 1918, aggregating \$21,450.....	11,000.00
	<hr/>
	\$13,500.00

6. That the company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold during such period; (b) the dates of such sales; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sales; (f) in detail the amount of the proceeds of the bonds herein authorized which has been expended for each of the pur-

poses specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or proceeds expended the report shall set forth such fact.

7. That The Waterville Gas and Electric Company is hereby permitted, pending the sale of all or any part of the bonds herein authorized to be issued, to pledge said bonds as collateral security for any of its loans, provided that the following prohibitions are observed: (a) that the principal of such loans for which said bonds are pledged shall in no event be less than 90 per cent of the face value of the bonds pledged as collateral security therefor; (b) that said bonds shall not be pledged for a greater period than one year from the date of this order without the further order of this Commission; (c) that the actual cost of the money to be procured through the issuance of short-term loans above mentioned shall not be greater than 6 per cent per annum.

8. That the notes or the proceeds thereof, for which bonds herein authorized are pledged as collateral security, shall be used solely and exclusively for the purposes for which the bonds or their proceeds are authorized to be used as enumerated in ordering clause No. 5 hereof.

9. That the company shall for each six months ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what if any bonds have been pledged during such period; (b) the date of such pledging; (c) with whom such bonds were pledged; (d) the principal, term, and interest rate of each loan for which such bonds are pledged; (e) the total face value of bonds herein authorized which remain pledged as collateral security for said loans on the closing date of such period; (f) any other terms and conditions of such transactions; (g) the amount of such note proceeds expended during such period for each of the purposes specified in this order and the account or accounts under the Uniform Systems of Accounts for Gas and Electrical Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures. Such reports shall continue to be filed until all of the proceeds of the notes secured as herein authorized shall have been disposed of for the purposes specified in this order.

10. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and property of the petitioner herein shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

11. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

484 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6600]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of SCHENECTADY ILLUMINATING COMPANY under section 68, Public Service Commissions Law, for permission to construct an electric plant in a portion of the town of Amsterdam, Montgomery county, and for approval of the exercise of a franchise therefor received from the town.

The Schenectady Illuminating Company asks for permission to construct an electric plant in the town of Amsterdam, in Montgomery county, and for approval of the exercise of a franchise therefor granted September 24, 1918, by the town board of said town. A public hearing was held at the office of the Commission in the city of Albany October 22, 1918, after due notice. There was no appearance in opposition to the application. The petitioner is already engaged in the sale and distribution of electricity in the city of Schenectady, and in the towns of Rotterdam and Glenville in the county of Schenectady, and in other places in the county of Albany and county of Saratoga. The town of Amsterdam adjoins the town of Glenville, and the franchise granted authorizes construction and operation in the town of Amsterdam east of a line two and one-half miles west of and parallel to the boundary line between the counties of Montgomery and Schenectady, running northerly from the Mohawk river. The principal purpose of the exercise of this franchise and the extension of the lines of the petitioner is to supply the Montgomery Sanatorium and such residents of the eastern portion of the town of Amsterdam as may desire the service and can be reasonably supplied. There is no other electric service in that portion of the town of Amsterdam. It is determined and stated that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to said Schenectady Illuminating Company, under section 68 of the Public Service Commissions Law, to construct, erect, and maintain poles, wires, appurtenances, and fixtures upon, under, over, and across highways, streets, avenues, and public places of the town of Amsterdam east of a line two and one-half miles west of and parallel to the Montgomery-Schenectady county boundary line running northerly from the Mohawk river, for the purposes of furnishing, selling, and distributing electricity for lighting, heating, and power purposes, both public and private, in the part of said town as above described.

Ordered: 2. That permission and approval of the Commission be given to said Schenectady Illuminating Company to exercise the rights and privileges conferred by said franchise granted by the town board of the Town of Amsterdam September 24, 1918, subject however to all the terms and conditions thereof.

Ordered: 3. That no poles, wires, or other structures shall be placed upon, under, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 6628]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

**BOARD OF TRUSTEES OF THE VILLAGE OF ADDISON *against*
ADDISON GAS AND POWER COMPANY.**

The Addison Gas and Power Company has for many years been supplying natural gas to the Village of Addison, obtaining the gas at or about the village line from the Potter Gas Company, a Pennsylvania corporation. By an order in case No. 6281, February 28, 1918, the price to the consumers of Addison was fixed by the Commission at forty-eight cents net per thousand cubic feet. Differences having arisen between the Potter Gas Company and the Addison Gas and Power Company as to the correctness of bills rendered by the former to the latter; and the Addison Gas and Power Company not having paid such bills for several months, the Potter Gas Company, on August 23, 1918, shut off the entire supply of gas to the Addison company. The Village of Addison is largely dependent at present on natural gas for fuel and for light. The matter having in September been brought to the attention of the Commission, negotiations were entered into among the interested parties, the Potter company not desiring to renew this supply but finally deciding to renew it and to continue the supply of gas until June 1, 1919. In the meantime a receiver had been appointed for the Addison Gas and Power Company in an action which had been pending for some time in the Supreme Court of New York for the foreclosure of an outstanding mortgage. As a result of the negotiations an agreement has been entered into among the municipal authorities of the Village of Addison, the receiver of the Addison Gas and Power Company, a committee representing the bondholders under said mortgage, and the Potter Gas Company, whereby it was agreed under certain terms and conditions set forth in said contract that the Potter Gas Company would supply gas to and including the 31st day of May, 1919, at a price to said receiver of forty cents per thousand cubic feet; and that the rate to consumers in the village of Addison should be seventy cents per thousand cubic feet, with a discount of five cents per thousand cubic feet if bills should be paid on or before the 18th of the month. There has been no adoption by the receiver of the rates formerly in force by the Addison Gas and Power Company. In accordance with said contract, a tariff has been filed with this Commission entitled "Addison Gas and Power Company, First Revised No. 5, superseding Original Leaf No. 5. Issued by Frank D. Kelly, Receiver for Addison Gas and Power Company, Addison, N. Y." In consideration of the premises it is therefore

Ordered: That Frank D. Kelly, as Receiver for the Addison Gas and Power Company, he and is hereby permitted to file, effective October 21, 1918, a revised leaf No. 5 to Addison Gas and Power Company's general schedule for gas, P. S. C., 2 N. Y., No. 1, such revised leaf to supersede leaf No. 5 filed to take effect March 1, 1918, and establish thereon Service Classification No. 1, and provide for rate of seventy cents per thousand cubic feet for gas, with a minimum charge of seventy cents per month and a prompt payment discount of five cents per thousand cubic feet for bills paid on or before the 18th of the month, such service classification and rate to continue in effect to and including May 31, 1919.

486 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5981]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 29th day
of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COM-
PANY for the elimination of crossings in the cities of
Tonawanda and North Tonawanda.

The New York Central Railroad Company having submitted a plan entitled
"N. Y. C. R. R. Buffalo and East. Niagara Branch, Buffalo Division.
Reinforced concrete arch over Main street. Proposed change of line at Tona-
wanda. New York, October 9, 1917. Issue No. 4"; which plan provides for
the elimination of certain crossings in compliance with the order of this
Commission heretofore made; now therefore

Ordered: That the above mentioned plan be and hereby is approved.

[Case No. 6217]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 29th day
of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of schedules filed with this Commission
August 7, 1918, by GEORGE BULLOCK, RECEIVER, BUF-
FALO AND LAKE ERIE TRACTION COMPANY, proposing
increases in passenger fares to become effective
September 8, 1918, etc.

Second
suspension
order.

The consideration of the matters involved in this case not having been
concluded it is

Ordered: 1. That the operation of the fare schedules of George Bullock,
Receiver, Buffalo and Lake Erie Traction Company, designated as follows:
Passenger tariffs P. S. C., 2 N. Y., Nos. A-141 and A-142; supplement No. 1
to passenger tariff P. S. C., 2 N. Y., No. A-120; and supplement No. 8 to
passenger tariff P. S. C., 2 N. Y., No. A-60, be and they are hereby further
suspended from and including November 6, 1918, to and including December
6, 1918, and that the use of the fares, charges, regulations, and practices
stated therein be and they are hereby deferred for the same period unless
this Commission in the meantime vacates, supersedes, or modifies this order.

2. That a copy of this order be filed with this Commission's copies of said
passenger tariffs and supplements to passenger tariffs, and that said receiver
shall publish, post, and file appropriate supplements as required by Rule 33(i)
of this Commission's Circular No. 68.

[Case No. 6432]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,

Commissioners.

In the matter of the Complaint of the TOWN OF HARMONY, Chautauqua county, *against* ERIE RAILROAD COMPANY as to repair of certain bridges carrying highways over its railroad.

By order dated July 11, 1918, this complaint was dismissed for reasons given in an Opinion of the Commission of said date. Subsequently, complainant filed a petition asking, for reasons stated therein, a rehearing of this matter. In the opinion of this Commission, there not being made to appear sufficient reason for a rehearing, it is

Ordered: That said petition of the Town of Harmony, Chautauqua county, for rehearing of this matter is hereby denied.

[Case No. 6454]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,

Commissioners.

In the matter of the Complaint of the INCORPORATED VILLAGE OF RICHMONDVILLE, Schoharie county, *against* GREAT BEAR LIGHT AND POWER COMPANY, asking that the company be directed to light the village streets.

A complaint was presented by the Village of Richmondville against the Great Bear Light and Power Company, complaining of the electric service supplied in the village by the respondent. It appeared on the hearing that the complaint was to a large extent at least well founded, but that the respondent under all existing circumstances was unable to render adequate service. Negotiations were entered into between the village authorities and the respondent for the purchase of that part of the respondent's plant that is used in serving the Village of Richmondville. Proper proceedings were taken to authorize the village to make such purchase, the contract therefor was entered into, and this Commission, by order made October 3, 1918 (case No. 6589), granted the necessary permission and authorities for the transfer and for the operation by the village. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

488 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6568]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of a schedule of passenger fares filed by ALBANY SOUTHERN RAILROAD COMPANY with this Commission July 5, 1918, and complaint in reference thereto.

The consideration of this matter not having been concluded it is

Ordered: 1. That the operation of the fare schedule of the Albany Southern Railroad Company designated as its local passenger tariff P. S. C., 2 N. Y., No. 141, be and it is hereby further suspended from and including October 31, 1918, to and including November 30, 1918, and that the use of the fares and regulations stated therein be and they are hereby deferred for the same period unless this Commission in the meantime vacates, supersedes, or modifies this order.

2. That a copy of this order be filed with the Commission's copy of said Albany Southern Railroad Company's passenger tariff P. S. C., 2 N. Y., No. 141, and that said company shall publish, post, and file a supplement to said tariff giving notice of this further suspension.

[Case No. 6583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariff filed by the SCHENECTADY RAILWAY COMPANY designated as its P. S. C., 2 N. Y., No. 22, proposing increased fares, rates, charges, etc.

Second
suspension
order.

The consideration of this matter not having been concluded it is

Ordered: 1. That the operation of the fare schedule of the Schenectady Railway Company designated as its local passenger tariff P. S. C., 2 N. Y., No. 22, be and it is hereby further suspended from and including October 31, 1918, to and including November 30, 1918, and that the use of the fares, charges, regulations, and practices stated therein be and they are hereby deferred for the same period unless this Commission in the meantime vacates, supersedes, or modifies this order.

2. That a copy of this order be filed with the Commission's copy of said Schenectady Railway Company passenger tariff P. S. C., 2 N. Y., No. 22, and that said company shall publish, post, and file a supplement to said tariff giving notice of this further suspension as required by Rule 33(i) of this Commission's Circular No. 68.

[Case No. 6621]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 29th day
of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the CLINTON LIGHT, HEAT AND POWER
COMPANY having failed to file copy of its schedule of
rates.

This Commission having ordered Clinton Light, Heat and Power Company
to show cause why it should not be proceeded against for failure to file
schedules of its rates for electricity, and said schedules in proper form
having thereafter been filed with the Commission it is

Ordered: That this case is hereby closed on the records of the Commission.

[Case No. 6622]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 29th day
of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the GREEN ISLAND ELECTRIC LIGHT
COMMISSION, Green Island, N. Y., having failed to
file a copy of its schedule of rates.

This Commission having ordered Green Island Electric Light Commission
to show cause why it should not be proceeded against for failure to file
schedules of its rates for electricity, and said schedules in proper form hav-
ing thereafter been filed with the Commission it is

Ordered: That this case is hereby closed on the records of the Commission.

490 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5903]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the EMPIRE GAS AND ELECTRIC COMPANY and the EMPIRE COKE COMPANY for authority under section 69 of the Public Service Commissions Law to issue \$70,000 of their joint first and refunding mortgage 5 per cent gold bonds, and for authority for the Empire Gas and Electric Company to issue \$21,000 of its common stock.

Petition filed February 13, 1917; amendatory petition filed October 28, 1918; report of division of capitalization dated October 29, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Empire Gas and Electric Company is hereby authorized to issue \$96,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$96,000.

2. That the proceeds of said stock so authorized, which shall not be less than \$96,000, shall be used solely and exclusively for the discharge of bills and accounts payable outstanding at September 1, 1918, aggregating \$113,097.31; amount unprovided for \$17,097.31.

3. That the Empire Coke Company is hereby authorized to acquire and hold \$96,000 par value of common capital stock of the Empire Gas and Electric Company herein authorized to be issued.

4. That the Empire Coke Company is hereby authorized to issue \$96,000 face value of its 6 per cent 25-year collateral trust mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of May, 1917, given to the Metropolitan Trust Company of New York City as trustee, to secure an authorized issue of bonds of a total face value of \$500,000.

5. That said bonds of the total face value of \$96,000 may be sold for not less than 85 per cent of their face value to realize net proceeds of at least \$81,600.

6. That the proceeds of said bonds so authorized, which shall not be less than \$81,600, shall be applied solely and exclusively toward the purchase price of \$96,000 par value of common capital stock of the Empire Gas and Electric Company herein authorized to be issued, \$96,000; amount unprovided for \$14,400.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Empire Coke Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Empire Gas and Electric Company and the Empire Coke Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock or bonds have been sold during such period; (b) the dates of such sales; (c) to whom such stock or bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such transactions; (f) in detail the amount of the proceeds of stock and bonds herein authorized which has been expended during such

period for the purposes specified herein. Such reports shall continue to be filed until all of said stock and bonds shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock or bonds were sold or proceeds expended the report shall set forth such fact.

9. That the authority contained in this order to issue stock and bonds is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and before any stock or bonds are issued pursuant hereto, and within thirty days of the service hereof, the Empire Gas and Electric Company and Empire Coke Company shall advise the Commission whether or not they accept the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock and bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6486]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of MARINO DE CROSTA
AND OTHERS of Newburgh *against* CENTRAL HUDSON
GAS AND ELECTRIC COMPANY, asking that mains be
laid and gas supplied on Ann street.

A petition was filed on behalf of five property owners on Ann street in the city of Newburgh, asking that mains be laid by the respondent and gas furnished to the complainants. The company now has its main on Robinson avenue which extends north and south. Ann street crosses it from west to east. On Ann street east of Robinson avenue and within three hundred and twenty (320) feet of the present main there seem to be lots with at least twelve houses thereon occupied as residences. The lot line of the first house is only sixty-eight feet from the respondent's main on Robinson avenue. The others are at close intervals, in no case requiring anything like an extension of one hundred feet in order to reach any particular house. The evidence on the hearing was rather inconclusive as to the number of customers and the extent of service desired although it was apparent that there was a demand from a considerable number. A paper since filed with the Commission and signed by owners or occupants of houses in the district in question shows that of twenty-seven occupants of these houses, most of which seem to be divided into apartments, eighteen will use gas for lighting, nine will use gas ranges or stoves for cooking, and four will use gas plates. While the gas used by the individual consumer may not be much, it is noticeable that the greater number of them propose to use gas both for cooking and for lights. In ordinary times there could not be the slightest doubt that the company should be required to supply this service under the usual terms. It does not wish to supply it now unless it be upon condition that the consumers pay a sum of about six hundred dollars (\$600) for installing the main, that amount to be repaid by credits on gas bills as they accrue.

Attention is called to the attitude of the Federal Government more directly expressed since the hearing in the letter of October 1, 1918, from C. S. Hamlin, Chairman of the Capital Issues Committee, to Bernard M. Baruch, Chairman of the War Industries Board, and the answer thereto dated October 3rd, the latter letter stating: "In view of the demands for materials for war purposes the War Industries Board would not and can not permit the use of materials unless the need for war purposes can be clearly demonstrated. . . . Only absolute necessity must be considered and not convenience." It can not be said that this case presents an actual necessity. It appears that only one of the houses to be supplied has been erected within the past ten years so that there is no new fuel demand and no service asked except what the owners and occupants have been able to get along without for a number of years. It is possible that the item of coal conservation might figure to some extent when the coal consumption required to supply gas for heating and cooking purposes is contrasted with the cost of supplying coal for stoves in the individual houses.

Section 62 of the Transportation Corporations Law distinctly requires that upon the application in writing of the owner or occupant of any building or premises within one hundred feet of any main laid down by any gas light corporation, the corporation shall supply gas for lighting such building or premises. This is subject to the condition that the applicant, if required, shall deposit in advance with the corporation a sum of money sufficient to pay the cost of his portion of the pipe required to be laid and the expense of laying such portion. This provision was considered by the Commission in *Simpson v. Buffalo Gas Company*, 2 P. S. C. 2nd D. N. Y. 531, and in *Draney et al. v. Central Hudson Gas & Electric Co.*, 5 P. S. C. 2nd D. N. Y. 334. The result was reached that the statutory requirement is mandatory as to extensions within one hundred feet of mains and that normally the applicant's portion of the cost is the cost of the service from curb box to meter. As a matter of saving labor and material, as contemplated by the Federal Government, it can make no difference whether the capital expenditure required is made in the first instance by the corporations or the consumer. The labor and material required should be the same. The statute speaks only of gas for lighting purposes, but at least two applicants within the one hundred feet wish gas for lighting; and applicants for gas for lighting purposes are no place nearly one hundred feet apart in the whole space of three hundred and twenty feet which the entire extension will require. If it were a matter within the discretion of the Commission, no order would be made requiring the service until the modification or rescission of the action of the War Industries Board, but the statute fixes the duty of the Commission under the law of the State of New York. The order must therefore be made, leaving to the federal authorities the exercise of any war power permitting them to supervene the requirements of the state law. It is therefore

Ordered: 1. That the respondent extend its gas main on Ann street in the city of Newburgh from a connection with its main on Robinson avenue to a point three hundred and twenty (320) feet east of said connection and install all necessary services, and that it install meters in order to afford such gas service to owners or occupants of houses abutting the portion of Ann street above indicated.

2. That it need not supply service or meters to any houses until such houses shall be piped and equipped for the use of gas, but it shall provide service pipes and meters and furnish gas to all applicants whose houses owned or occupied by them are so piped, and shall perform such work and be prepared to supply gas on or before December 1, 1918.

3. That this order is conditional upon such applicants depositing, if so required by the respondent, a sufficient sum to pay the cost of labor and material required to install the service pipes in each case from curb box to meter.

4. That the respondent notify the Commission within ten (10) days of the service of this order as to its acceptance thereof.

[Case No. 6556]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF WATERTOWN and THE NEW YORK CENTRAL RAILROAD COMPANY under section 91 of the Railroad Law as to changing the Massey Street grade crossing of said company's railroad in said city to an under-crossing.

A joint petition by the Mayor and Common Council of the City of Watertown and The New York Central Railroad Company under section 91 of the Railroad Law was filed August 22, 1918, asking that this Commission determine that the grade crossing of Massey street in the city of Watertown over the tracks of said railroad company be eliminated by means of an under-crossing and a re-location of the street, to be constructed in accordance with the plan attached thereto. After due notice a public hearing was held by the Commission at Watertown on October 11, 1918, at which the following appeared: H. L. Hooker, city attorney, and E. W. Sayles, city engineer, for the City of Watertown; Purcell, Cullen & Purcell (by John C. Purcell), as attorneys, and B. S. Voorhees, engineer of grade crossings, for The New York Central Railroad Company; Cobb & Cosgrove (by George H. Cobb) for John B. Harris, a property owner, who also appeared in person; and Hiram Becker and William Kelly, property owners. Proof of publication of notice of hearing and of personal service thereof was filed at the hearing. At this hearing a plan showing the manner in which the undergrade crossing is proposed to be constructed was placed in evidence and marked "Petitioners' Exhibit No. 5." There was no opposition to the proposed elimination, but the slope of the northerly side of the cut in rock approaching the crossing from the east was criticized because of the limitations to the view, and it was suggested that this slope be cut back in order to improve this view. In accordance therewith, on October 21, 1918, a plan showing this slope as 1:1 instead of 1:4 was filed. This plan is entitled: "United States Railroad Administration. W. G. McAdoo, Director General of Railroads. N. Y. C. R. R. Buffalo and East. Watertown Branch. St. Lawrence Division. Elimination of Grade Crossing. Massey Street. 1.9 miles West of Watertown. New York, August 3, 1918. Issue No. B." The petition alleges that on account of this crossing being located near the railroad yards in the city of Watertown, from which a considerable number of switching movements per day are made, and also on account of the obstructed views of trains on the railroad as one approaches the crossing, public safety requires that this crossing be eliminated.

In addition to hearing the evidence submitted, the sitting Commissioner examined the crossing on the day of the hearing. Now therefore

Ordered: That the petition herein be and hereby is granted, and that the grade crossing of Massey street over the tracks of The New York Central Railroad Company in the city of Watertown shall be eliminated substantially in accordance with the following requirements, more specifically shown on the above entitled plan: Said street shall cross under the three existing tracks in a subway approximately at right angles to the center line of the railroad, the intersection of the center line of the subway and the center line of the railroad to be approximately at New York Central chaining station, 375 plus 268. The tracks of the railroad are to be carried by a bridge of the

solid floor type, supported by concrete abutments, which shall give a clear width of roadway between neat lines of not less than 24 feet and a minimum clearance between the highest point of the roadway and the lowest point of the bridge structure of 13 feet.

Massey street within the bounds of the elimination shall be re-located as follows: beginning at a point on the center line of the present location of Massey street about 755 feet west of the intersection of the center line of Massey street with the center line of the tracks of The New York Central Railroad Company, and proceeding eastwardly on a curve to the left with a radius of 285 feet for a distance of about 128 feet; thence on a tangent for a distance of 307 feet; thence on a curve to the right with a radius of 220 feet for a distance of about 130 feet; thence on a tangent for a distance of 225 feet; thence on a curve to the right with a radius of 100 feet for a distance of 127 feet; thence on a tangent under the tracks of the said railroad company for a distance of 80 feet; thence on a curve to the left with a radius of 100 feet for a distance of 172 feet; thence on a tangent for a distance of 400 feet; thence on a curve to the right with a radius of 300 feet for a distance of 105 feet, to a point in the center line of the present Massey street located about 730 feet east of the present intersection of the center line of Massey street with the center line of the tracks of The New York Central Railroad Company.

The grades on the re-located street shall be approximately as follows: beginning at the westerly extremity of the proposed re-location at the grade of the present surface of Massey street and proceeding eastwardly, the grade shall ascend at a rate of 3 per cent for a distance of 265 feet; thence descending at a rate of 4 per cent for a distance of 280 feet; thence descending at a rate of 1 per cent for a distance of 368 feet; thence level for a distance of 85 feet; thence ascending at a rate of 5 per cent for a distance of 292 feet; thence level for a distance of 385 feet to an intersection with the present grade of Massey street. Vertical curves shall be provided at each change of grade above named.

A new driveway 18 feet in width shall be constructed on the northerly side of the tracks of said railroad company and parallel thereto, with its center line located 35 feet north of the northerly right of way line of said company, which driveway shall extend from the private driveway leading to the lands of William Kelly and Dr. H. L. Smith to an intersection with the re-located Massey street. Beginning at the intersection with said Massey street, the grade of this driveway shall be level for about 345 feet, and then ascend on a grade of 1.2 per cent for about 290 feet to an intersection with the grade of the present surface of the existing private driveway.

Beginning at a point about 375 feet west of the easterly end of the re-located Massey street, a new driveway 18 feet in width shall be constructed leading to the dwelling on the property of John B. Harris located near the present grade crossing of Massey street. The alignment of this driveway shall be substantially that shown on the above entitled plan. The grade of this driveway, beginning at the intersection with the re-located Massey street, shall be as follows: ascending at a rate of 5 per cent for a distance of 135 feet; then descending at a rate of 3 per cent for a distance of 145 feet; then ascending at a rate of 5 per cent for a distance of 175 feet to an intersection with the surface of the present private driveway leading to the aforesaid dwelling on the property of John B. Harris.

The re-located Massey street shall be graded for a width of 24 feet between shoulders on embankments and 26 feet between outsides of side ditches in cuts, and there shall be a waterbound macadam roadway 16 feet in width and 6 inches thick over the entire length of re-located Massey street. The roadways of the new driveways leading to the properties of said Kelly, Smith, and Harris shall be of earth, 10 feet in width, surfaced with cinders.

The subway shall be properly drained by culverts of sufficient size to be installed under re-located Massey street north of the railroad tracks, and also under the new road leading to the properties of said Kelly and Smith for this purpose. In addition, other proper drainage shall be provided at such points within the elimination as may appear to be necessary.

Upon the approval of the completed elimination the present Massey street shall be closed and discontinued within the limits of the elimination and the present grade crossing shall be abolished. In addition, the present private grade crossing leading to the properties of said Kelly and Smith shall be abolished.

It is further understood that no work of construction shall be started and no further expenditure therefor incurred by the railroad company until direct authorization for such expenditure shall have been obtained from the Director General of Railroads of the United States Railroad Administration.

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of October, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariff filed by the WARREN
AND JAMESTOWN STREET RAILWAY COMPANY, design-
ated as its P. S. C., 2 N. Y., No. 3, proposing
increased fares, rates, charges, etc.

Under date of October 22, 1918, the Commission by order suspended, from October 24, 1918, to and including November 23, 1918, a passenger tariff issued by the Warren and Jamestown Street Railway Company designated as that company's local passenger tariff P. S. C., 2 N. Y., No. 3, and fixed a hearing to be held thereon in the city of Jamestown, N. Y., on Monday, November 4, 1918, at 1 o'clock p. m. It now appearing that it would be inadvisable to hold hearing at the time specified, and for other reasons brought to the attention of the Commission since said suspension order was issued, it is

Ordered: 1. That the Warren and Jamestown Street Railway Company be and it is hereby authorized to issue an appropriate supplement to its local passenger tariff P. S. C., 2 N. Y., No. 3, and provide therein that the effective date of said tariff will be November 4, 1918, and to change section 7, relating to the sale of commutation tickets for New York state travel, to conform with the views of this Commission as stated in letter of date October 7, 1918; also to amend section 12 of said tariff to provide that for travel between points wholly within the State of New York the one-way fares named therein will include the transportation, without charge, for a single passenger, of baggage of weight not in excess of 150 pounds. Such supplement may be issued on one day's notice to the public and the Commission and made effective not earlier than November 4, 1918.

2. That upon receipt by the Commission of the supplement herein authorized this order will automatically operate to vacate and set aside, November 3, 1918, midnight, said suspension order of date October 22, 1918.

3. That a copy of the complaint of R. D. Anderson be served upon the Warren and Jamestown Street Railway Company as a formal complaint.

Special Permission Tariffs, October, 1918.

No. 7113; October 1, 1918; R. N. Collyer, Agent:

Ordered: That on application therefor dated September 30, 1918, R. N. Collyer, Agent, duly appointed by carriers not under federal control to file

Official Classification, be and he is hereby authorized to file as to New York intrastate traffic, on not less than five days' notice to the public and the Commission and effective October 15, 1918, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 44, for the purpose of revising section 1 of rule 29 as published in item 1, page 39, supplement 26 to said tariff, to read as provided in said application, which application is hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law except as to the notice to be given, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the provisions of Rule 9(e) of Circular No. 68.

Completed by supplement No. 27 to P. S. C. O. C. No. 44, effective October 15, 1918.

No. 7114; October 1, 1918; The New York, New Haven and Hartford Railroad Company:

Ordered: That on its application therefor dated September 27, 1918, The New York, New Haven and Hartford Railroad Company be and is hereby authorized to file as to New York state traffic between carriers under federal control and those not under federal control, on not less than five days' notice to the public and the Commission and effective October 15, 1918, a tariff of mileage allowances for use of cars of private ownership, canceling its tariff P. S. C., 2 N. Y., No. X-13, and provide rules, regulations, and charges in conformity with those ordered by the Interstate Commerce Commission in case No. 4906, as applied to interstate traffic and as applied to carriers under federal control as to interstate or intrastate traffic under freight rate authority No. 1156, of the Director General, Division of Traffic, United States Railroad Administration, dated September 13, 1918. This authority does not waive any of the provisions of the Public Service Commissions Law except as to the notice to be given, nor any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications.

Completed by P. S. C. No. X-16, effective October 15, 1918.

No. 7115; October 14, 1918; Warren and Jamestown Street Railway Company:

This special permission not used.

No. 7116; October 14, 1918; R. N. Collyer, Agent:

Ordered: That on application therefor dated October 11, 1918, R. N. Collyer, Agent, duly appointed by carriers not under federal control to file Official Classification, be and is hereby authorized to file as to New York intrastate traffic, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 44, revising note to Rule 5-A, published in item 3, page 22 of said tariff, and revising paragraph 1825 of the regulations for the transportation of dangerous articles, other than explosives, by freight, published on page 385 of said tariff, as set forth in said application which is hereby made a part of this order. Said supplement may also include additions to, changes in, or eliminations from the list of participating carriers; also corrections of errors in the effective dates of changes in lists of participating carriers shown in supplements Nos. 26 and 28 to said Official Classification. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the published rules established thereunder relative to the construction and filing of tariff publications except as the provisions of Rule 9(e) of Circular No. 68.

No. 7117; October 18, 1918; United States Railroad Administration for the New York, New Haven and Hartford railroad, also as filing agent for the New York, Westchester and Boston Railway Company:

Ordered: That on its application therefor of date October 16, 1918, the United States Railroad Administration for the New York, New Haven and Hartford railroad, also as filing agent for the New York, Westchester and Boston Railway Company, be and it is hereby authorized to file, effective

November 1, 1918, on not less than five days' notice to the public and the Commission, a tariff of car demurrage rules canceling tariff P. S. C., 2 N. Y., No. X-15, issued and filed by The New York, New Haven and Hartford Railroad Company for itself, the Central New England Railway Company, and the New York, Westchester and Boston Railway Company, and provide therein such rules and charges to apply to freight traffic, so far as the same may be subject to this Commission's jurisdiction, as will conform with the order of the Interstate Commerce Commission of date July 31, 1918, in docket No. 4906, and of the Director General of Railroads, United States Railroad Administration, supplement No. 1 to order No. 7. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by P. S. C. No. X-17, effective November 1, 1918.

No. 7118; October 22, 1918; Albany Southern Railroad Company:

Ordered: That on its application therefor dated October 22, 1918, the Albany Southern Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a freight tariff canceling its tariff P. S. C., 2 N. Y., No. 148, and reissue the matter contained therein without change except to correct the rate applying on less carload shipments of Wrapping Paper, in bundles, rolls, crates, and boxes, from Goulds (formerly Rossmans), N. Y., and Stockport Center, N. Y., to Hudson, N. Y., from 7½ cents to 7 cents per 100 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 151, effective October 30, 1918.

No. 7119; October 26, 1918; South Buffalo Railway Company:

Ordered: That on its application therefor dated October 25, 1918, the South Buffalo Railway Company be and it is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff of car demurrage rules canceling its tariff P. S. C., 2 N. Y., No. 47, on file with the Commission, and provide therein such rules and charges to apply to freight traffic, so far as the same may be subject to this Commission's jurisdiction, as will conform with the order of the Interstate Commerce Commission of date July 31, 1918, in docket No. 4906, and of the Director General of Railroads, United States Railroad Administration, supplement No. 1 to order No. 7. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

No. 7120; October 28, 1918; Owasco River Railway:

Ordered: That on its application therefor dated October 25, 1918, the Owasco River Railway be and it is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its tariff of car demurrage rules P. S. C., 2 N. Y., No. 9, and provide therein such rules and charges to apply to freight traffic, so far as the same may be subject to this Commission's jurisdiction, as will conform with the order of the Interstate Commerce Commission of date July 31, 1918, in docket No. 4906, and of the Director General of Railroads, United States Railroad Administration, supplement No. 1 to order No. 7. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

498 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4820]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the WESTERN NEW YORK AND PENNSYLVANIA TRACTION COMPANY under section 55 of the Public Service Commissions Law for authority to issue additional of its first and refunding mortgage bonds, \$102,000.

Application filed March 1, 1915; supplemental application filed March 22, 1915; report of division of capitalization dated May 20, 1915; reports of transportation engineer dated June 30 and August 10, 1915; final report of division of capitalization dated August 28, 1915; order entered December 28, 1915; allocation of fixed capital of company dated December 31, 1917; report of division of capitalization dated May 20, 1918; modification of original allocation (letter from company) filed July 8, 1918; report of division of capitalization dated July 8, 1918; report of division of capitalization dated November 4, 1918. Now therefore, upon the foregoing record,

Ordered: That this Commission hereby approves the reduction of \$1,000,000 par value in the common capital stock of the Western New York and Pennsylvania Traction Company, and that an indorsement of such approval be made upon the certificates of consent of stockholders.

[Case No. 6428]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Joint Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER and THE NEW YORK CENTRAL RAILROAD COMPANY under section 91 of the Railroad Law as to the abolition of the grade crossing of the Blossom Road highway and said company's railroad in said city.

A joint petition of the mayor and common council of the City of Rochester and The New York Central Railroad Company was filed May 4, 1918, asking that this Commission determine, under section 91 of the Railroad Law, that the grade crossing of the Blossom Road highway in the city of Rochester over the tracks of said railroad company be closed and discontinued, and travel diverted therefrom to an under-crossing to be constructed within the lines of Colby street as extended, in accordance with the plan attached thereto.

The petition also states that an agreement has been reached between the respective petitioners whereby they propose to execute the proposed elimination without expense to the State.

After due notice the Commission held a public hearing at Rochester on June 7, 1918, at which the following appeared: B. B. Cunningham, corporation counsel (by Clarence M. Platt), for the City of Rochester, the Common Council of the City of Rochester, and the Mayor of the City of Rochester; Harris, Beach, Harris & Matson (by Mr. Beach) for The New York Central Railroad Company; Charles B. Bechtold, attorney, for the Rochester Automobile Club; John J. McInerney, general counsel, for the New York State Motor Federation; Symington, Dinneen & Thomas (by J. S. Thomas) for the American International Corporation, Symington Forge Company, and Symington Companies; W. F. Strang for Henry Covell, property owner; and Frank M. Goff for Arthur H. Ingle and the Bridgeford Machine Tool Company. The following appeared by notice of appearance filed: Hiscock, Doheny, Williams & Cowie for the Rochester and Syracuse Railroad Company, Inc.; and John B. Abbott, attorney, for John B. Abbott and Helen M. Edwards as executors, etc.

Due proofs of publication of notice of hearing and of personal service thereof were filed. There were submitted in evidence certified copies of ordinances adopted by the common council of the City of Rochester at a session held on May 22, 1917, providing for the following: the extension of Colby street from East avenue northerly across the New York Central tracks to Blossom road; the opening of University avenue from its present easterly terminus at its intersection with Blossom road easterly to Winton road; the widening of Blossom road from the proposed extension of Colby street easterly to Winton road; the grading of Colby street as extended, and the necessary re-grading of portions of University avenue extended, Blossom road, and Hampden road.

A plan showing the proposed elimination was submitted and marked "Applicants Exhibit No. 9," said plan being entitled "N. Y. C. R. R. Buffalo and East. Main Line and Auburn Br. Syracuse and Rochester Divisions. Elimination of Grade Crossing Blossom Road 2.9 miles east of Rochester. New York, June 13, 1917. Issue No. C."

The only opposition to the proposed project was from property owner Covell, part of whose land will be necessarily taken for the extension of Colby street. Certain manufacturers engaged in essential war work asked that access to their plants be maintained unimpaired during the period of construction.

It appears from evidence that the Blossom Road crossing is a particularly dangerous one on account of the large amount of vehicular travel and large number of train movements on the railroad, which at this point consists of four tracks of the main line and one track of the Auburn branch. The Commission is of the opinion, therefore, that public safety requires an alteration in said crossing, and it is now, therefore,

Ordered: That the petition herein be and hereby is granted, and that the grade crossing of the Blossom road over the tracks of The New York Central Railroad Company in the city of Rochester shall be eliminated substantially as shown on the above entitled plan and in accordance with the following general requirements:

Colby street as extended shall cross under the five existing tracks of the railroad in a subway, the center line of said street being approximately at right angles to the center line of the railroad, about 460 feet east of the intersection of the center line of the railroad and the center line of the present grade crossing at Blossom road. The railroad tracks shall be carried on a bridge of the plate girder type with a solid floor and shall be supported by steel columns placed at the curb lines of the street, in addition to concrete abutments. The clear width between neat lines of abutments shall be 66 feet, divided into a roadway 40 feet wide and two sidewalks each 13 feet wide. The minimum clearance between the highest point in the roadway and the lowest point of the bridge shall be 14 feet.

Colby street extended shall be graded for its entire length to a width of 66 feet, divided into a roadway 40 feet wide and two sidewalks each 13 feet wide. Beginning at a point on the northerly curb line of East avenue at the present surface of the roadway and proceeding northerly, the grades on Colby street shall be as follows: descending at a rate of .3 per cent for a distance of 360 feet; thence descending at a rate of 5 per cent for a distance of 163 feet; thence level for a distance of 51 feet; thence descending at a rate of 5 per cent for a distance of 149 feet; thence descending at a rate of .3 per cent for a distance of 79 feet; thence ascending at a rate of .3 per cent for a distance of 79 feet; thence ascending at a rate of 5 per cent for a distance of about 60 feet; thence by means of a warped surface for a distance of about 100 feet to the northerly line of Blossom road, at which point the proposed grade is about 11 feet below the present surface of Blossom road.

University avenue as extended shall be re-graded for its full width of 80 feet to meet the proposed grades on Colby street, the width of roadway to be 42 feet. Beginning at the present surface of the ground at a point about 247 feet west of the center line of Colby street and proceeding easterly, the revised grades on University avenue shall be as follows: descending 4.5 per cent for a distance of 212 feet; thence level across Colby street for a distance of 70 feet; thence ascending 4.5 per cent for a distance of 140 feet to an intersection with the present surface of the ground at a point about 175 feet east of the center line of Colby street. The tracks and accessories of the Rochester and Syracuse Railroad Company, Inc., successor to the Rochester, Syracuse and Eastern Railroad Company, which are constructed in University avenue shall be lowered in accordance with the above grades.

Blossom road shall be re-graded to meet the proposed grades on Colby street. Beginning at the present surface of the roadway about 170 feet west of the center line of Colby street and proceeding easterly, the grades shall be as follows: descending at a rate of 6 per cent for a distance of 140 feet; thence by means of a warped surface for a distance of 60 feet at the intersection with Colby street; thence ascending at a rate of 5 per cent for a distance of 290 feet to an intersection with the present surface of the roadway at a point about 320 feet east of the center line of Colby street. West of Colby street, Blossom road shall be re-graded to a width of 49.5 feet, the width of roadway to be 28 feet; east of Colby street, Blossom road shall be re-graded to a width of 80 feet, the width of roadway to be 54 feet.

Hampden road shall be re-graded to meet the proposed grade on Blossom road, the grades to be as follows: beginning at the northerly side of Blossom road at the proposed grade thereon, which is about 9 feet below the present surface of the roadway, the grade on Hampden road shall ascend at a rate of 6 per cent for a distance of 234 feet to an intersection with the present surface of the roadway at a point about 264 feet north of the center line of Blossom road. Hampden road shall be re-graded to a width of 50 feet, the width of roadway to be 36 feet.

Vertical curves shall be provided at all changes in grades.

The pavement on Colby street extended, from the northerly curb line on East avenue northerly for a distance of 360 feet, shall be of wood blocks on a concrete foundation for the center 20 feet and of asphalt on a concrete foundation for the remaining width of the roadway. The pavement on the remaining portion of Colby street extended and on the re-graded portions of University avenue extended, Blossom road, and Hampden road shall be of stone blocks on a concrete foundation for the entire widths of the respective roadways. Stone curbing and a concrete sidewalk 5 feet wide shall be provided on both sides of the portions of the streets as above mentioned, except that the width of the concrete sidewalk shall be increased to 13 feet for a distance of 120 feet through the subway. Drainage shall be provided for and modifications made in existing sewers as shown on the above entitled plan, or as hereafter may be considered necessary.

Upon the approval of the completed elimination and the improvement of University avenue between Blossom road and Colby street, Blossom road shall be closed and discontinued from the northerly line of University avenue

to the northerly right of way line of The New York Central Railroad Company and the present grade crossing shall be abolished.

It is further Ordered: That in accordance with the above mentioned agreement between the City of Rochester and The New York Central Railroad Company as set forth in the petition, the cost of the work of elimination herein described shall be borne as follows: The New York Central Railroad Company shall pay and discharge all cost of construction of the under-crossing and the necessary grading within its right of way lines, and shall grant to the City of Rochester an easement for the extension of Colby street across its right of way. The City of Rochester shall pay for and discharge the expense of the remainder of the work necessary for the elimination of the Blossom Road grade crossing as herein described, shall pay for and acquire all rights, titles, and interest in the necessary lands, and shall pay any and all damages which may be recovered or awarded on account of the elimination above ordered.

It is further expressly understood and agreed between the parties that this order is made on the express condition that no financial liability or obligation whatsoever shall attach to or fall upon the State of New York on account of the construction and work herein authorized and provided for, and that no part of the cost of such construction and work or of any expenses incidental thereto shall be a charge upon or be payable or paid out of any moneys which may have been or may be appropriated by the Legislature of the State for the purposes either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise. The acceptance of this order by the parties thereto shall be deemed as an undertaking on their part respectively to save the State of New York and this Commission harmless from all costs, damages, and claims whatever on account of the construction and work herein authorized and provided for.

It is further understood that nothing herein shall be construed as an approval of the future trolley tracks on Colby street extended as shown on the above entitled plan.

It is further understood that no work of construction shall be started and no further expenditure therefor incurred by the railroad company until direct authorization for such expenditure shall have been obtained from the Director General of Railroads of the United States Railroad Administration.

[Case No. 6603]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of UNITED STATES RAILROAD ADMINISTRATION,
NEW YORK CENTRAL RAILROAD, under section 54,
Railroad Law, for consent to the discontinuance of
an agent at the Dellwood station on said railroad,
in Erie county, main line.

United States Railroad Administration, New York Central Railroad, having filed with this Commission a petition under section 54, Railroad Law, for consent to the discontinuance of the services of an agent at the Dellwood station on the main line of said railroad, Dellwood being a hamlet in Erie county about five miles east of Lancaster; and a public hearing on said

petition, after due notice to local authorities, publication in newspaper, and posting at said station, having been held by Chairman Hill of this Commission in the city of Buffalo on October 26, 1918; Maurice C. Spratt appearing for the petitioner and no one else appearing; and it appearing from the evidence at the hearing that for the twelve months ended June 30, 1918, the ticket sales at said station averaged \$1.17 a day (the passengers from the station being four or five daily), and that for a fifteen months' recent period the receipts at said station for freight averaged \$10.52 a month; that it costs \$95 a month to keep the agent employed, this resulting in the expenditure of about \$84 a month more than is received from freight and passenger business originating at said station; and it appearing that two passenger trains each way daily now stop at this station; now, this Commission being satisfied from the evidence that the prayer of the petition should be granted, it is

Ordered: That this Commission, under section 54, Railroad Law, hereby consents that the services of an agent at the Dellwood station, in Erie county, on the main line of the New York Central railroad, United States Railroad Administration, may be discontinued, on condition however (a) that the passenger trains (on approximately the same times) now stopping at said station shall continue to stop there until otherwise ordered by this Commission; (b) that freight shall be received at and delivered at said station, incoming freight to be prepaid and outgoing freight to be billed and arranged for by either the agents at the adjoining stations of Lancaster and Wende, less carload freight to be placed in the existing freight house; (c) that at train times the passenger waiting room shall be kept open and in condition, and heated in the cold weather.

[Case No. 6315]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in city of Albany on the 12th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 91 of the Railroad Law for the closing and discontinuance of two grade crossings and one overgrade crossing of the West Shore railroad, lessor, in the town of Saugerties, Ulster county.
Petition of the TOWN OF SAUGERTIES under section 91 of the Railroad Law for the elimination of two crossings at grade over the tracks of the West Shore Railroad.

About 650 feet north of the Mount Marion station of the West Shore railroad, a highway known as Kings Highway, approaching from the west, crosses the tracks of the West Shore railroad at grade at the property of T. Meyer. Proceeding thence on the east side of the tracks in a straight line for a short distance, it bears to the left, or north, on an irregular alignment, until at the property of John Tissall it again bears to the left, or northwest, and crosses the tracks at grade. Again following a northerly course on the west side of the tracks, it bears to the right, or northeast, crossing at grade at the Spring property, from which point it continues on the east side of the railroad and roughly parallel thereto, finally crossing over the grade of the railroad on a wooden bridge, whence it proceeds on the west side of the tracks to the Saugerties station.

The crossings, to be hereafter referred to as the Meyer, Tissall, Spring, and Overgrade crossings, are separated from each other by the respective approximate distances of 3800, 5750, and 3040 feet, all distances being measured along the railroad tracks.

Approximately 990 feet south of the Overgrade crossing, and therefore about 2050 feet north of the Spring crossing, the Kings Highway is joined by a road running westerly to Unionville. This road also crosses the tracks at grade, and the crossing will hereafter be referred to as the Unionville crossing. At the southwesterly corner of this highway junction point, located on the east side of the railroad, is a schoolhouse.

From the foregoing it will be perceived that Kings Highway crosses the railroad between Mount Marion and Saugerties stations three times at grade and once over grade in a distance of about 12,590 feet, or approximately 2.4 miles, and that in addition the Unionville road crosses the railroad at grade.

The Overgrade crossing is not in good condition, and for the reason that it is desired to avoid its reconstruction and also to eliminate the Spring and Unionville grade crossings, The New York Central Railroad Company petitioned the Commission for a determination that the Spring, Unionville, and Overgrade crossings be abolished by the construction of a new highway on the west side and parallel to the railroad, extending from the Spring crossing to the Overgrade crossing, it being the intention to remove the schoolhouse from the present junction of the Unionville road with the Kings Highway, now on the east side of the tracks, to the new junction on the west side.

Upon this petition, after proper notice to all parties in interest, a hearing was held by this Commission on March 29, 1918, due proof of publication of such notice and of personal service thereof on property owners being of record. At such hearing there appeared A. Van Etten and B. S. Voorhees for The New York Central Railroad Company; John W. Eckert and F. D. Fratscher for the Town of Saugerties; and several property owners, either in person or by counsel.

The town put upon record the fact that between the Spring crossing and Mount Marion station, Kings Highway crosses the tracks at grade at two points (Meyer and Tissall crossings), and requested permission to supplement the petition by the railroad company with an application for the elimination of said two grade crossings by the construction of another new highway on the west side of the railroad between the Meyer and Tissall crossings, thus permitting highway travel to go from Mount Marion to Saugerties without being compelled to cross the tracks in the entire distance: i. e. from Mount Marion by way of the new highway on the west side of the railroad to a point near the Tissall crossing; thence by the existing road on the west side of the tracks to a point near the Spring crossing; thence by the new highway west of the tracks to a point near the Overgrade crossing; thence by the highway now existing on the west side of the tracks to the Saugerties station. Such supplementary petition by the town was subsequently filed with the Commission on April 13, 1918.

On these joint petitions a hearing was held by the Commission on May 1, and adjourned hearings on May 22, June 5, and August 13, 1918, all requirements of the statute in respect of the publication of notices of hearings and of personal service thereof having been observed. It has been estimated that this elimination will cost about \$42,000, including cost of land necessary to be acquired. At the hearing on June 5, 1918, the Town of Saugerties agreed to a limitation of the expense to the railroad company of one-half of this amount, or \$21,000.

There was no opposition to a favorable determination by the Commission of the project combined in the two petitions. While views of approaching trains at the crossings involved in these proceedings are not seriously obstructed, and the crossings therefore are not so dangerous in respect of this feature as are many others, it is nevertheless a fact that frequently trains pass over these crossings at high speed; and it is not alone at crossings where views are obstructed that accidents happen, some crossings at grade with entirely unobstructed views having exceptional records of disaster, as pointed out more fully by the Commission in its determination in case 6211, Petition of

the Town of Pitcairn to lay out a new street over the tracks at the New York Central railroad. The Director General of the United States Railroad Administration having approved the expenditure by the railroad, the Commission has accordingly decided to grant the petitions, and it is therefore

Ordered: That the grade crossings of the West Shore railroad, herein referred to as the Meyer, Tissall, Spring, and Unionville crossings, and the Overgrade crossing, be closed and discontinued, and traffic diverted therefrom by the construction of two stretches of new highway on the west side of, adjacent to, and parallel with the railroad company's right of way: one to be located between the Meyer and Tissall crossings, the other between the Spring and Overgrade crossings; thus enabling highway traffic to proceed the entire distance from Mount Marion station to Saugerties station without crossing the railroad, all as shown upon two general plans dated April 27, 1916, and May 18, 1918, on file with the Commission; said plans for further identification being marked respectively "Exhibit A" and "Exhibit B."

The new highways shall be constructed in accordance with the profiles shown upon the plans and the details shown upon plan "Exhibit B"; said highways shall be paved for a width of 14 feet with waterbound macadam; guard-rails shall be provided where necessary; ditches shall be made, and a sufficient number of culverts shall be constructed to secure ample and satisfactory drainage; and as a part of the project, the schoolhouse adjacent to the Unionville crossing shall be removed from the east side to the westerly side of the tracks; all of which shall be subject to the approval of this Commission.

Upon the completion of the new highway between the Spring and Overgrade crossings, the existing bridge carrying the highway over the grade of the railroad shall be removed.

About 900 feet south of the Spring crossing a road seldom traveled, known as Cantine's highway, crosses the railroad tracks at grade. The elimination of this crossing is not included in either of the petitions herein, and the Commission can not, therefore, at this time provide for its elimination. The Commission however considers that it should be closed as a highway and made a private crossing, and recommends appropriate action to this end by the local authorities.

In accordance with the aforesaid understanding and agreement, the Town of Saugerties shall assume, pay, and discharge so much of the entire cost and expense of the construction and work herein authorized and provided for, including the cost of any land, rights, or easements necessary or required for the purpose of carrying out the provisions of this order, and of any land or other damages whatsoever which may arise by virtue thereof, as shall exceed the sum of \$42,000, which last mentioned sum is to be paid by the railroad company, the Town of Saugerties, and the State of New York respectively, in such proportions as are fixed by statute in such cases made and provided; this order being granted upon the express condition that no financial liability or obligation whatsoever in excess of one-half of the sum of \$42,000 shall attach to or fall upon The New York Central Railroad Company, and that no such financial liability or obligation in excess of one-fourth of said sum shall attach to or fall upon the State of New York on account of the acquisition of lands, rights, or easements necessary or required, the construction and work, or for any incidental expenses herein authorized and provided for.

The acceptance of this order by the Town of Saugerties shall be deemed as an undertaking on its part to save The New York Central Railroad Company, the State of New York, and this Commission harmless from all costs, expenses, claims, or demands whatsoever on account of this order and of any provisions thereof in excess of one-half and one-quarter of the sum of \$42,000, amounting respectively to the sum of \$21,000 and \$10,500: said sum of \$42,000 having been agreed upon by all parties in interest as the maximum cost, interest included, of the elimination project for the purposes of an accounting under the statute.

[Case No. 6507]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of SAMUEL R. WICKETT
AND OTHERS against W. J. JUDGE, owner and operator
of franchises for the distribution of illuminating gas
in the city of Buffalo.

Appearances: Donnelly, O'Neill & Lindall for complainants; Kenefick, Cooke, Mitchell & Bass for respondent.

Samuel R. Wickett, E. S. Fenwick Company, and others having filed with this Commission a complaint against W. J. Judge, who owns and operates in the city of Buffalo the gas properties and franchises of the former Buffalo Gas Company, alleging that said Judge refuses to lay gas mains in Montrose avenue in said city, which avenue extends from Englewood avenue to Kenmore avenue, a distance of three city blocks, to supply with manufactured gas residences now built on said street and under construction or proposed to be built; and said Judge having answered said complaint; and a public hearing in the matter having been held in the city of Buffalo by Chairman Hill of this Commission on September 3, 1918, at which those named above appeared; and it appearing that the gas mains of said Judge are now laid in Englewood avenue where it intersects Montrose avenue and are now in use; now, after due consideration of the evidence and for the reasons given in Opinion of the Commission of this date, it is under subdivision 2, section 66, Public Service Commissions Law,

Ordered: That W. J. Judge, who owns and operates in the city of Buffalo the gas properties and franchises of the former Buffalo Gas Company, shall lay in Montrose avenue such gas main or mains as are necessary to supply properly the residences on said Montrose avenue, present and future, with manufactured gas for domestic purposes; and shall lay the necessary residence service pipes and make the necessary connections with the residences under the present regulations of said Judge as to similar residence connections from mains in Buffalo; and shall supply manufactured gas to such residences and the occupants thereof under the present regulations of said Judge as to supplying others in Buffalo with manufactured gas under similar circumstances; that the work and construction required by this order shall be begun by said Judge within thirty days after the service upon him or his agent of a certified copy of this order, and be completed within sixty days after such service of this order, subject to extension of time which may be granted by this Commission for good cause shown.

Further Ordered: Under section 23, Public Service Commissions Law, that said Judge shall, within five days after the service upon him or his agent of a certified copy of this order, notify this Commission whether the terms of this order are accepted and will be obeyed by him.

506 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6605]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of REPUBLIC LIGHT, HEAT AND POWER COMPANY, INC., under section 68, Public Service Commissions Law, for permission to construct gas plants in the towns of Tonawanda, Amherst, Clarence, and Newstead, Erie county; Darien, Pembroke, and Batavia, Genesee county; and in the incorporated villages of Akron, Erie county, and Corfu, Genesee county; and in the city of Batavia; and for approval of the exercise of franchises therefor received from said municipalities.

The petition in the above matter having been withdrawn at a hearing in case No. 6606, on October 31, 1918, it is

Ordered: That this case is hereby closed on the records of the Com-

[Case No. 6606]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition (or complaint) of REPUBLIC LIGHT, HEAT AND POWER COMPANY, INC., under sections 71 and 72, Public Service Commissions Law, for determination of the maximum prices to be charged by it for natural or manufactured gas, including byproduct gas, in the city of Batavia; in the towns of Tonawanda, Amherst, Clarence, and Newstead, Erie county; and Darien, Pembroke, and Batavia, Genesee county; and in the incorporated villages of Akron, Erie county, and Corfu, Genesee county.

The petition in the above matter having been withdrawn at a hearing on October 31, 1918, it is

Ordered: That this case is hereby closed on the records of the Commission.

[Case No. 6608]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Complaint of LONG ISLAND LIGHTING COMPANY and BABYLON RAILROAD COMPANY under subdivision 5, section 66, Public Service Commissions Law, as to rate to be charged the railroad company for electricity.

Appearance: Martin S. Decker for the Long Island Lighting Company.

The above named companies submitted the following question for adjudication by the Public Service Commission: "What is the proper rate per kw. h. for the lighting company to charge the railroad company for power furnished to the railroad company from the date of such adjudication, and how shall that rate thereafter be varied, either by way of increase or decrease, as the present cost of coal to the lighting company, f.o.b. Northport, Long Island, is increased or decreased?" The question was submitted "On the regular public records of both companies now on file with said Public Service Commission pursuant to requirements of law, and upon such other further proof or evidence as shall be required or may be deemed proper by said Commission".

The filed public records of both companies were examined, and a public hearing was held at Albany on Friday, October 25, 1918. The stipulation between the above companies submitting the question of rate also contains a clause, that pending the decision the present rate shall continue: the rate is 3 cents a kw. h., measured as direct current. The railroad company has telegraphed that "unless relief from power company charges is had it must suspend operation immediately". The Opinion filed herewith shows a cost to the lighting company in excess of 4.27 cents per kw. h. for direct current delivered to the railroad company. The lighting company gives a rate of 2½ cents per kw. h., metered as alternating current, to its largest consumer, the United States Government. The lighting company has offered current at the same rate to the railroad company, and also offered to the railroad company the use of the lighting company's motor generator transformer set, and will also have its (the lighting company's) employee or employees in the Babylon substation look after the operation of the motor generator transformer set without cost to the railroad company.

The question of actual rate, therefore, becoming academic, and this case, because of the unusual variability of the power load, making it an exceptional case and not involving any principle which could be applied to any other case or cases, and both parties urging haste, it becomes unnecessary to finally determine an actual rate which would include cost, fair return, and the other factors properly making up a rate. If the railroad company can not continue to operate on a rate of 3 cents per kw. h. d. c., it is useless to determine what figure above 4.27 cents a kw. h. d. c. would be a proper figure.

Ordered, therefore, that this case be closed upon the records of the Commission.

508 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 331]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of November, 1918.

Present:

FRANK IRVINE,
JOHN A. BARHTE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY to discontinue flagmen on its branch line between Rochester and Windsor Beach.

Application for modification of order.

June 18, 1908, this Commission made an order permitting The New York Central and Hudson River Railroad Company to discontinue passenger service between Rochester and Windsor Beach on part of what was formerly the Rome, Watertown and Ogdensburg railroad. One of the conditions of said order was that at each highway grade crossing between Rochester and Windsor Beach a flagman should be maintained on week days between the hours of 7 a. m. and 10 p. m. March 2, 1915, an order was made permitting the railroad company to discontinue the maintenance of flagmen at all crossings except at Smith street, in the city of Rochester, but requiring every train to carry one man in addition to the regular train crew as a traveling flagman, whose sole duty should be to proceed in advance of the train to each of the crossings save that of Smith street for the purpose of protecting such crossings by flagging operations, and that only trustworthy, healthy, and active young men be employed for that purpose. It was further provided that all trains should come to a complete stop and not proceed until the engineers should see the flagman in his position at the crossing and performing his duty. Further, that trains should not proceed over any of said crossings at a higher speed than six miles per hour; and that for the protection of school children, no movements except in cases of emergency should be made between the hours of 8 and 9 a. m., 11:30 a. m. and 1:30 p. m., and 3:30 and 6 p. m.

What was then The New York Central and Hudson River Railroad Company is now The New York Central Railroad Company, and is under government control and operation. At the instance of the United States Railroad Administration, an application is now made for the rescission of paragraph 7 of the order of March 2, 1915, which is the paragraph prohibiting movements except in cases of emergency on days when schools are in session between the hours above specified. A hearing was held at Rochester October 19th, at which the applicant appeared, and there were certain appearances by shippers. The City of Rochester also appeared by attorney. Since the discontinuance of passenger service this particular line is practically a switching line for the movement of cars between Windsor Beach and a small terminal yard in Rochester and a number of industries having sidetracks along the line. The traffic has so increased that it is impossible to handle it within the restricted hours fixed by the order of March 2, 1915. Under the system provided by that order for moving of trains and flagging them over crossings no accidents have occurred nor has there been any occurrence of the kind known as a near accident. On days when children are not in school, no difficulty has been experienced in protecting them from trains operating under the other terms of the order, which seem to give ample and complete protection. It is therefore

Ordered: 1. That paragraph 7 of the order of March 2, 1915, together with an amendment thereto made June 13, 1916, be and the same hereby are rescinded.

2. That the Commission reserves the right to reenact said ordering clause 7 without notice in case it should be made manifest by reports of its

inspectors or otherwise that any of the other terms of said order of March 2, 1915, are in any respect disregarded by the operators of the railroad or by their employees.

3. This order shall take effect upon service of a copy thereof upon The New York Central Railroad Company and the Regional Director of the United States Railroad Administration.

[Case No. G. C. 682]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of November, 1918.

Present:

FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY, lessee, for the elimination of grade crossings of the West Shore railroad at South William, Kemp, and South Water streets, in the city of Newburgh, Orange county.

This petition to the former Board of Railroad Commissioners dated June 5, 1907, asks that the three grade crossings of the West Shore railroad at South William street, Kemp street, and South Water street, located south of the Newburgh station, be eliminated, and that traffic be diverted therefrom to a new street to be built on the westerly side of the tracks, and that other changes in existing streets be made: all more definitely shown upon a general plan accompanying said petition. A hearing was held by the Board of Railroad Commissioners on June 24, 1907, but the matter was put over for the reason that the city was not ready to proceed, largely on account of financial considerations, and because it appeared that the plan then presented was not entirely satisfactory to the authorities, and that there was no immediate possibility of reconciling the conflicting opinions relative thereto.

The case was therefore inherited by the Public Service Commission which came into existence July 1, 1907, but since that date it has been necessary to devote the limited available funds to the elimination of grade crossings the necessity for which was more urgent and the benefit to the public greater.

Since the declaration of war with Germany a corporation known as the Newburgh Shipyards, Incorporated, has established itself on the Hudson river, about a mile south of Newburgh, where shops, shipways, and other necessary and incidental structures have been built, and a number of steamships of large tonnage are now under construction for the Government. Practically all of the large number of employees of this establishment live in Newburgh and must cross the West Shore railroad at South Water street in going to and from their work. In addition, vehicular travel largely in excess of that formerly existing has been thrown upon the streets on account of the increased industrial activity. The City of Newburgh, therefore, during the latter part of 1917 urged that the Commission consider the proposed elimination and make a determination of the question.

Within the entire zone embraced by the proposed project the two main tracks of the West Shore railroad are on a tangent alignment. East of the West Shore tracks is located the Erie railroad (Greycourt branch), which, paralleling the former for some distance south of Newburgh station, finally curves to the right or southwest, crossing over the grade of the West Shore railroad which at this point runs in a tunnel about 460 feet long. From this intersection the two lines of the railroad diverge, the West Shore proceeding almost due south to Weehawken, the Erie westerly to a junction at Greycourt with the main line.

South William street, the northernmost of the crossings, is located approximately at right angles to the two railroad lines and crosses the West Shore railroad at grade and the Erie under grade. Kemp street, which was about 320 feet south of South William street, and which crossed the respective railroads in a similar manner, is not now open or in use. Renwick street, which is parallel to South William and Kemp streets and 260 feet south of the latter, crosses the West Shore railroad at grade and the Erie railroad under grade. It is not proposed to eliminate this crossing.

South Water street, which is one of the main entrances to Newburgh from the south, crosses the West Shore railroad at grade at a point immediately south of the southerly portal of the above mentioned tunnel and continues northerly, east of and parallel to the Erie railroad, to South William street. At the present time, because of the new shipyards, it bears an unusually heavy traffic. This crossing is made particularly dangerous by the number and high speed of trains and the restricted views, and the elimination thereof is the principal object of this proceeding.

It is estimated that the elimination of these crossings will require the expenditure of not less than \$370,000, of which the railroad company will pay \$185,000, and the city and State each \$92,500. In view of the scarcity and high cost of labor, together with the rapidly varying cost of materials, such an amount should be regarded as indicating the probable cost for the moment, under which conditions the Commission prefers to consider the probable final cost not less than \$400,000, and is therefore ready to segregate and set aside from the funds under its direction to meet the State's share one-quarter of that sum, or \$100,000.

The plan of elimination agreed to by the railroad company and the city provides that the South William Street crossing of the Erie and the West Shore railroads shall be closed; that the Kemp Street crossing of the said two railroads shall be legally closed; that South Water street from the south line of Renwick street to and including the existing grade crossing of the West Shore railroad shall be closed; that Renwick street shall be left open across the tracks of both railroads, but closed from the east line of South Water street to the Hudson river; that a new street shall be constructed on the west side of the West Shore railroad tracks from a point a short distance south of the present crossing northerly to Renwick street as an extension of South Water street. This new street, necessarily located against a high hill, and necessarily crossing under the main and side tracks of the Erie railroad, will involve large amounts of grading, masonry, and steel work.

Upon the completion of the project as above planned, all through north and south traffic, including that to the shipyards, will be wholly on the west side of both railroads, and the dangers and delays thereto will be entirely removed. Local traffic to the waterfront within the limits of the elimination project will use the crossing at Renwick street.

Upon the petition thus presented this Commission finally held a hearing at Newburgh on March 22, 1918, proof of publication of notice of such hearing and of personal service thereof being of record, the City of Newburgh, the West Shore Railroad Company, the Erie Railroad Company, the Newburgh Chamber of Commerce, the Newburgh Automobile Association, the Newburgh Shipyards, Incorporated, the Merchants' Association, the Rotary Club, the United Shipping Board, Emergency Fleet Corporation, and others being represented.

There was no opposition to the general project as shown upon the plan submitted at this hearing. The representative of the Erie Railroad Company stated that his corporation did not oppose the project, provided no part of the cost shall attach to or fall upon the Erie Railroad Company, and asked that the order of the Commission provide for the examination and approval of all plans in so far as they affect said railroad company's tracks and structures. Attention was called to an order of the Director General of Railroads of the United States Railroad Administration requiring that each railroad secure his permission to make such capital expenditures as would be required in this instance. It was finally agreed that, prior to a determination of the matter by the Commission, the city authorities secure the approval and con-

sent of the Director General of Railroads to the proposed expenditure by The New York Central Railroad Company, and that pending their efforts in this direction further consideration of the matter be held in abeyance.

It was originally the intention, and the plan presented at the hearing on March 22nd provided, that the new street proposed to be built should cross under the main track of the Erie railroad in a tunnel. Subsequent investigation by the engineers indicated that such construction would be unwise in view of possible effects upon the adjacent West Shore tunnel. The general plan was accordingly revised by substituting abutments and a steel superstructure, such construction having a minimum effect upon the West Shore tunnel structure. A copy of this plan dated May 17, 1918, which is understood to be favored by the railroad company and the city, is on file with the Commission.

On June 14, 1918, the Erie Railroad Company, by its assistant general solicitor, communicated with the Commission, calling attention to the proposed change in character of construction, and requested that the order when made should provide for the maintenance and renewal of the crossing structure and its lateral enlargement or expansion in case additional tracks were required, all at the sole cost and expense of The New York Central Railroad Company. The Commission does not consider that it has the authority to grant such a request.

After due deliberation and consideration of all matters involved in this proceeding, and especially of the dangers at the South Water Street crossing, the Commission has determined to grant the application, and it is therefore

Ordered: That the grade crossings of the West Shore railroad at South William, Kemp, and South Water streets in the city of Newburgh shall be closed and discontinued, and traffic diverted therefrom to a new street to be constructed on the westerly side of the West Shore tracks; that certain portions of Renwick and South Water streets shall be closed; that the entire work shall conform to the following general specifications:

(a) South William street shall be closed and discontinued across the Erie railroad and the West Shore railroad.

(b) Kemp street shall be legally closed and discontinued across the Erie railroad and the West Shore railroad.

(c) Renwick street shall be closed and discontinued from the east line of South Water street to the Hudson river.

(d) South Water street shall be closed and discontinued from the south line of Renwick street, southerly to and including the present grade crossing of the West Shore railroad.

(e) The proposed new street shall extend from a point in South Water street about 200 feet south of the present grade crossing, northerly, passing under the Erie railroad's main and side tracks, to an intersection with Renwick street about 60 feet west of the West Shore railroad tracks. The center line shall be approximately parallel to that of the West Shore railroad.

(f) The proposed new street shall be graded throughout its entire length to a clear width of 40 feet, to be divided as follows: a cobble gutter 4 feet wide on the west side, a traveled roadway 30 feet wide, and a concrete sidewalk 6 feet wide on the east side, except that under the bridges carrying the tracks of the Erie railroad the width of roadway shall be reduced to 28 feet to provide space between the roadway and the sidewalk for columns which will support the bridge girders. The roadway shall be paved with water-bound macadam and shall have a combination concrete curb and gutter on the east side. Retaining walls shall be provided on both sides of the street where necessary.

(g) The grades on the proposed new street, beginning at the intersection with South Water street and proceeding northwardly, shall be as follows: ascending at the rate of 5 per cent a distance of 435 feet; ascending at the rate of 6 per cent a distance of 356 feet; ascending at the rate of 1 per cent a distance of 223 feet; and descending at the rate of 6 per cent a distance of about 572 feet to an intersection with the present surface of Renwick street at a point about 50 feet west of the present southbound main West Shore track. Vertical curves shall be provided at all changes in grades.

(h) The crossings under the main tracks of the Erie Railroad Company and its sidetrack to the yard of the Pennsylvania Coal Company shall be 40 feet wide measured at right angles between neat lines of masonry abutments. The clear headroom shall be not less than 15 feet 6 inches. The bridges carrying the railroad tracks shall be of the plate girder type, with solid floors. The span between abutments shall be divided by steel supporting columns placed between the sidewalk and the traveled roadway.

(i) The entire layout, the scope and intent of the work to be performed shall be in accordance with a plan on file with this Commission entitled "West Shore R. R. Leased and operated by N. Y. C. R. R. Co. Buffalo and East. River Division. Proposed Elimination of Grade Crossings So. William & So. Water Sts. Newburgh. Engineering Department. New York, May 17, 1918."

Any other work not specifically herein mentioned which may be required to carry out the intent and purpose of this determination shall be included in the cost properly chargeable against the elimination of these crossings.

It is further Ordered: That in accordance with section 94 of the Railroad Law, the cost of the work herein ordered and provided for, including the cost of all lands, rights, or easements necessary or required, and of any land or other damages whatsoever which may arise by virtue thereof, and any and all costs of construction and expenses incidental thereto, shall be properly chargeable to the project and shall be payable as follows: 50 per cent by The New York Central Railroad Company (lessee of the West Shore railroad), 25 per cent by the City of Newburgh, and 25 per cent by the State of New York.

It is further understood that no work of construction shall be started and no further expenditure therefor incurred by the railroad company until direct authorization for such expenditure shall have been obtained from the Director General of Railroads of the United States Railroad Administration.

[Case No. 6087]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of November, 1918.

Present:

FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the ITHACA TRACTION CORPORATION under subdivision 1, section 49 of the Public Service Commissions Law for permission to increase passenger fares.

This proceeding having come on to be heard before Commissioner Barhite; and the Commission having determined that the application of the Ithaca Traction Corporation for permission to increase its passenger fares should be granted to the extent of permitting the corporation to charge a seven cent fare instead of a six cent fare over its lines in the city of Ithaca, the village of Cayuga Heights, and the town of Ithaca, and to sell eight tickets for fifty cents,

Ordered: That the Ithaca Traction Corporation be and it is hereby authorized to increase its rate of fare for one ride over its lines within the city of Ithaca, the village of Cayuga Heights, and the town of Ithaca, or any portion thereof, from six cents to seven cents, and to sell eight tickets for fifty cents, upon five days' notice to the public and to this Commission; the tariff effecting such increase to be filed in accordance with the provisions of law applicable thereto, and to bear the following notation: "Issued on five days'

notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, bearing date of November 14, 1918, in case No. 6087."

This determination and order may be reopened at any time if and when it may appear to the Commission that the reasons for allowing an increase of fare in excess of that which would otherwise obtain no longer exist.

[Case No. 6565]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of November, 1918.

Present:

FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of NIAGARA LIGHT, HEAT AND POWER COMPANY and REPUBLIC LIGHT, HEAT AND POWER COMPANY, INC., under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and under section 69 for authority to the second named company to issue capital stock.

Amendatory
order.

Petition filed under date of August 15, 1918; hearing held September 25, 1918; report of division of capitalization dated November 12, 1918. Now therefore, upon the foregoing record,

Ordered as follows: That ordering clause 4 of the order entered herein under date of October 15, 1918, is hereby amended to read as follows:

4. That within sixty days after the transactions permitted and approved by ordering clauses 1 and 2 herein shall have been accomplished, there shall be filed with this Commission an affidavit by the president or vice-president of the company to the effect that 4590 shares of the capital stock of the Niagara Light, Heat and Power Company have been surrendered for cancellation upon dissolution, and that all necessary steps for the legal accomplishment of the dissolution of the Niagara Light, Heat and Power Company have been instituted.

[Case No. 6602]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of November, 1918.

Present:

FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of THE DEPEW AND LANCASTER LIGHT, POWER AND CONDUIT COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$4600 in 7 per cent cumulative preferred capital stock.

Petition filed October 5, 1918; report of division of capitalization dated November 8, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Depew and Lancaster Light, Power and Conduit Company is hereby authorized to issue \$4600 par value of its 7 per cent cumulative preferred stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$4600.

2. That the proceeds of said stock so authorized, which shall not be less than \$4600, shall be used solely and exclusively to reimburse the treasury of the petitioner for the amount of \$4640 expended for the acquisition for cancellation of its 5 per cent first mortgage bonds to the principal amount of \$5800, in accordance with the terms of its mortgage dated August 1, 1914: amount unprovided for \$40.

3. That The Depew and Lancaster Light, Power and Conduit Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been sold during such period; (b) the dates of such sales; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount of stock proceeds used during such period for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or proceeds used the report shall set forth such fact.

4. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5308]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to execute a first refunding and improvement mortgage, issue \$775,000 in 5 per cent 30-year gold bonds to be secured thereby, and to issue \$300,000 6 per cent cumulative preferred stock.

Fourth
amendatory
order.

Petition filed November 29, 1915; amended petition filed December 18, 1915; certificate of increase of capital stock and classification of such increase filed February 4, 1916; stipulation dated March 7, 1916; proposed form of mortgage marked "Final Draft" filed March 17, 1916; preliminary report of division of capitalization dated March 20, 1916; hearing held March 27, 1916;

report of division of capitalization dated April 3, 1916; orders entered April 11 and August 16, 1916; second amended petition (letter) dated February 13, 1918; report of division of capitalization dated February 15, 1918; amended order entered March 5, 1918; third amended petition filed April 12, 1918; report of division of capitalization dated April 22, 1918; third amendatory order entered April 23, 1918; fourth amendatory petition filed November 14, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clause No. 4 of the order entered herein under date of April 11, 1916, is hereby modified and amended in such manner as to permit the Binghamton Light, Heat and Power Company to sell \$14,000 face value of the \$798,000 face value of its 5 per cent 30-year first refunding and improvement mortgage gold bonds therein authorized to be issued for not less than 80 per cent of their face value to give net proceeds of at least \$11,200, which proceeds shall be used solely for the purpose of paying its 6 per cent note dated October 29, 1918, in the amount of \$11,200.

2. That upon the discharge of the indebtedness of \$11,200 shown in ordering clause No. 1 hereof, the authority to pledge \$18,000 face amount of 5 per cent 30-year first refunding and improvement mortgage gold bonds for loans aggregating \$14,400, contained in the order herein dated April 23, 1918, shall be vacated.

3. That in all other respects the terms and conditions of said order of April 11, 1916, as modified and amended under dates of August 16, 1916, and March 5, 1918, shall remain in full force and effect.

[Case No. 5901]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of ROSS GRAVES of Buffalo against IROQUOIS NATURAL GAS COMPANY, alleging insufficient supply of natural gas, and that the illuminating and heating power is not sufficient.

Ross Graves of the city of Buffalo, N. Y., having filed a complaint with this Commission against the Iroquois Natural Gas Company, which alleges among other things that the natural gas supplied by said company to its customers does not conform with the just and reasonable standard of demand of its customers and consumers; and the company having admitted by its answer that during the days of extremely cold weather the supply of natural gas is not entirely adequate for all the users of the defendant, and that during the said period the pressure is not constant, and at times during the said period the pressure is low; and the mayor of the City of Buffalo and other persons having filed with the Commission similar complaints, and the respondent company having made answer to said complaints; and this Commission, in view of said complaints, having undertaken to investigate and ascertain the truth of the allegation in said complaint; and said proceedings having been consolidated and tried out together, and having come on to be heard before Commissioner Barhite at the office of this Commission in the city of Buffalo, N. Y., at which time the complainant, Ross Graves, appeared in person; the mayor of the City of Buffalo appeared by Frederick C. Rupp, esq., assistant city attorney; Frank C. Perkins, esq., appeared individually and as

president of the Central Council of Business Men's and Citizens' Associations; D. T. O'Reilly, esq., W. C. Eastman, esq., Mrs. Nina E. Baldwin, Thomas A. Laird, esq., Albert A. Wilks, esq., and C. H. Howard, esq., of Buffalo, in person; and Daniel J. Kenefick, esq., of Buffalo, appeared as attorney for the respondent. And it appearing from the records on file with this Commission and from the evidence produced before the Commission on said hearing that the supply of natural gas is gradually diminishing, and that the demand is increasing, and that the supply of natural gas furnished by the respondent company to its customers during severe winter weather is inadequate in amount and varies in pressure, and that much inconvenience and suffering to those who depend upon said gas for heat and light are caused thereby; and that said company has been adding to the number of its customers; and it further appearing, in the opinion of this Commission, that it will be necessary for the respondent company in order to supply a proper amount of gas to its customers in the future to furnish artificial gas which may be mixed with and added to the supply of natural gas whenever necessary; and it further appearing that a large amount of apparatus used by the customers of said respondent company is wasteful in the use of gas and does not utilize the heat and light derived from said gas; and it further being the opinion of this Commission that the customers of said company who use said gas for domestic purposes should have the first right to the use of said gas, and that it is necessary to restrict the use of gas furnished by said company during the winter months for the purpose of conserving the supply for domestic customers,

Ordered: That all customers of the Iroquois Natural Gas Company be and the same are hereby divided into two general classes, to be known as "Domestic Consumers" and "Industrial Consumers"; that "Domestic Consumers" shall include the users of natural gas for heating, lighting, and cooking in private houses, boarding houses, apartment houses, hospitals, and charitable institutions; and users of natural gas for lighting and cooking only in hotels, restaurants, bakeries, eating houses, club houses, and for heating in hotels where separate rooms must be dependent upon natural gas for use in grates or stoves; that all other customers shall be known as "Industrial Consumers". That from and including the 15th day of December in each and every year, until and including the 15th day of March in the succeeding year, "Domestic Consumers" shall have the preference in the use of natural gas over "Industrial Consumers," and gas shall not be furnished "Industrial Consumers" when there is not a sufficiency of gas for the use of "Domestic Consumers". That from and including the 15th day of December in each and every year, until and including the 15th day of March in the succeeding year, no consumer, either domestic or industrial, shall be permitted to use more than a reasonable amount of natural gas in any one month, counting any thirty successive days during the period above named as one month, and said gas shall be used in a reasonable manner. The reasonable use of natural gas as used above shall not be deemed to include the use of natural gas for heating in furnaces originally constructed for the use of coal, during such period, and natural gas shall not be used for heating in such furnaces during the period named. The Public Service Commission, Second District of the State of New York, may, however, upon the application of any consumer and for good cause shown, permit the use of natural gas in such furnaces for a portion or the whole of the period above named; and the Iroquois Natural Gas Company shall immediately after each monthly meter reading transmit to the Public Service Commission the names of all consumers and their respective addresses who shall use more than forty thousand cubic feet of gas in any one month or during any thirty consecutive days during said period. That the Iroquois Natural Gas Company shall attach to its pipes within the city of Buffalo at least eleven self-registering pressure gauges, and said gauges shall be attached at such points and in such manner as this Commission shall hereafter direct. Each of said gauges shall be under the control of this Commission, and access shall only be had to such gauges by such persons as shall hereafter be named by this Commission. Charts shall

be taken from each of said gauges during the three months herein named, by said company or by such persons as may be named by the Commission, at such regular intervals as may be directed by the Commission, and such charts shall be immediately filed as directed by the Commission.

Further Ordered: That the Iroquois Natural Gas Company shall on or before the 23rd day of November, 1918, notify all its customers in the city of Buffalo and elsewhere of the provisions of this order by publishing a copy thereof at least once in six separate newspapers published in the city of Buffalo.

Further Ordered: That all orders or parts of orders heretofore issued by this Commission and inconsistent with this order shall be and the same are hereby vacated and set aside.

Further Ordered: That any municipality, person, or corporation affected by the provisions of this order may apply to this Commission, either without notice or upon notice to such person or persons as this Commission designates, for the modification or annulment of any of the provisions of this order.

Further Ordered: That the Iroquois Natural Gas Company shall within ten days after the receipt by it of a copy of this order notify the Commission whether the terms of this order are accepted and will be obeyed.

[Case No. 5983]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$407,000 in first refunding mortgage 5 per cent thirty-year gold bonds under an existing mortgage, and \$174,100 6 per cent cumulative preferred stock.

Fifth
amendatory
order.

Petition filed April 20, 1917; report of division of light, heat, and power dated May 26, 1917; hearing held June 20, 1917; report of division of capitalization dated July 30, 1917; order entered July 31, 1917; first supplemental petition filed August 25, 1917; amendatory order entered August 29, 1917; second supplemental petition filed October 3, 1917; second amendatory order entered October 3, 1917; third supplemental petition filed December 19, 1917; third amendatory order entered December 20, 1917; fourth supplemental petition filed February 23, 1918; report of division of capitalization dated February 26, 1918; fifth supplemental petition filed November 14, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order herein dated July 31, 1917, as subsequently amended, is hereby further amended to authorize the sale of \$25,000 face value of the \$399,000 face value of 5 per cent thirty-year first refunding and improvement mortgage gold bonds therein authorized to be issued, for not less than 80 per cent of their face value to give net proceeds of at least \$20,000, which proceeds shall be used solely for the purposes set forth in said order of July 31, 1917.

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2. That in all other respects the terms and conditions of said order of July 31, 1917, as modified and amended under dates of August 29, October 3, December 20, 1917, and February 26, 1918, shall remain in full force and effect.

[Case No. 6085]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of HUDSON VALLEY RAILWAY COMPANY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

Appearances: James McPhillips, Glens Falls, N. Y.; H. T. Newcomb, 32 Nassau street, New York city; and John E. MacLean, Albany, N. Y., for the petitioner. Harold W. Turner for the Town of Waterford.

The Hudson Valley Railway Company having presented its petition or complaint under subdivision 1 of section 49 of the Public Service Commissions Law, alleging that the rates, fares, and charges charged by it in the cities and incorporated villages in which it operates are insufficient to yield a reasonable compensation for the service rendered, and are unjust and unreasonably low, and do not allow sufficient average return upon the value of the property actually used in the public service after providing for surplus and contingencies; and asking that the Commission determine the just and reasonable rates, fares, and charges to be thereafter observed and in force as the maximum to be charged for the service to be performed by it in such cities and villages; and the said company, pending a determination of such proceeding, having filed a tariff effective August 29, 1918, by which the rates of fare charged by it in all zones outside of cities and villages were increased from five to six cents. And the Commission being of opinion that it should on its own initiative enter upon a hearing concerning the propriety of the proposed increased fare, suspended the tariff schedule and called a hearing thereon; and that proceeding having been consolidated with the one pending upon the company's application; and a public hearing in said proceeding having been held by this Commission, those named above appearing; and this Commission having determined from the evidence and being of opinion for the reasons stated in an Opinion of the Commission filed herewith that the rates, fares, and charges charged by said railroad company for the transportation of persons and property are insufficient to yield reasonable compensation for the service rendered, and are unjust and unreasonable, and that the rates, fares, and charges hereinafter mentioned are just and reasonable, it is

Ordered: That the maximum fare which may be charged for the carriage of passengers by the Hudson Valley Railway Company in each of the zones upon said railroad shall be six cents where five cents is now charged.

Further Ordered: That the order of this Commission of date October 24, 1918, in case No. 6085, suspending Hudson Valley Railway Company's passenger tariff P. S. C., 2 N. Y., No. 24, to and including November 27, 1918, be and it is hereby vacated and set aside as of midnight November 24, 1918; and the railway company shall not later than November 20, 1918, file with the Commission a supplement fixing November 25, 1918, as the date upon which said tariff will become effective; and it may also provide therein, effective on same date, for the increasing from five to six cents of the fares

applying for service to be performed by it within the corporate limits of cities and villages. Such supplement shall bear the following notation: "Issued on 5 days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date November 19, 1918, in case No. 6085."

Further Ordered: That the fares so fixed shall continue only during the war and a reasonable time thereafter, and that this determination and order may be reopened at any time if and when it may appear to this Commission that the reasons for permitting the company to charge the increased fares no longer exist.

[Case No. 6257]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of IROQUOIS NATURAL GAS COMPANY under section 70 of the Public Service Commissions Law for authority to acquire \$299,000 of the capital stock (common) of The Erie County Natural Gas Fuel Company, Limited.

Petition filed November 9, 1917; hearing held March 5, 1918; report of division of capitalization dated April 6, 1918; report of division of light, heat, and power dated May 2, 1918; supplemental petition (letter) filed June 16, 1918; supplemental report of division of light, heat, and power dated July 12, 1918; report of division of capitalization dated July 18, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Iroquois Natural Gas Company is hereby authorized to acquire 3010 shares, each of the par value of \$100, aggregating a par value of \$301,000, of the outstanding capital stock of The Erie County Natural Gas Fuel Company, Ltd., at a total cost to it of not more than \$144,480.

2. That the Iroquois Natural Gas Company is hereby authorized to acquire the remaining 1740 outstanding shares of the capital stock of The Erie County Natural Gas Fuel Company, Ltd., at a cost to it of not more than \$37 per share.

3. That immediately after the acquisition of any of this stock in accordance with the authority contained in ordering clause 1 herein, its value on the books of the Iroquois Natural Gas Company shall be reduced to an amount which shall be not greater than the equivalent of \$37 per share for each share of stock so acquired, and the difference between said \$37 per share and the price at which such stock is acquired subject to the authority contained herein shall be charged against corporate surplus.

4. That the granting of the authority herein contained to purchase the stock of The Erie County Natural Gas Fuel Company, Ltd., is upon condition that within thirty days from the date of this order the Iroquois Natural Gas Company shall formally make offer to each of the record holders of the 1740 shares of stock of The Erie County Natural Gas Fuel Company, Ltd., mentioned in ordering clause 2 herein, to purchase their holdings at \$37 per share, and that said Iroquois Natural Gas Company shall purchase all shares of stock which shall be tendered to it pursuant to such offer within sixty

days from the date of this order; and that a copy of the formal offer to purchase which shall be made to the holders of 1740 shares of stock shall be filed with this Commission at the time said offer is made, together with a list of the names and holdings of all of the record holders of stock to which such proposal is extended.

5. That the Iroquois Natural Gas Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what stock has been acquired during such period; (b) the date of such acquisition; (c) from whom such stock was acquired; (d) the amount and nature of the consideration paid for the same; (e) any other terms and conditions of such acquisition. Such reports shall continue to be filed until the stock of the corporation named in this order shall have been acquired in accordance with the authority contained herein, and if during any period no such stock was acquired the report shall set forth such fact.

6. That the authority contained in this order to acquire stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is acquired pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

[Case No. 6463]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 19th day
of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of EDWARD F. BRUSH AS
MAYOR OF THE CITY OF MOUNT VERNON under section
90 of the Railroad Law for a determination of how
Bronx street shall cross the New York and Harlem
railroad (leased to and operated by The New York
Central Railroad Company).

On July 30, 1918, an order was made determining the manner in which Bronx street, as extended by the city of Mount Vernon, shall cross the tracks of the New York and Harlem railroad, one of the requirements of which was "that the westerly approach shall consist of a single stairway on a continuation of the axis of the bridge, extending on to the property of the Bronx Parkway Commission". The Bronx Parkway Commission has objected to this determination with respect to the stairway, and has requested that the order be modified to the extent that instead of the westerly stairway being constructed continuously on the longitudinal axis of the bridge, it shall be constructed on said longitudinal axis from the westerly end of the bridge spans until the westerly right of way line of the railroad company has been crossed, whence it shall be turned northerly at right angles to said longitudinal axis and continue in this direction until the surface of the ground is reached. The City of Mount Vernon has indicated by letter that it has no objection to this modification; and the railroad company, by letter dated November 8, 1918, has requested that such modification be made in accordance with a plan therein submitted, entitled "Proposed Foot-bridge, Bronx St., Mount Vernon. Office of Engineer of Structures. Sept. 12, 1918". This modifica-

tion eliminates the danger with respect to the overhead high tension wires (which was the determining factor in the above mentioned requirement) equally as well as the original design, and it is therefore

Ordered: That the ordering clause of the order in this matter dated July 30, 1918, reading as follows, "that the westerly approach shall consist of a single stairway on a continuation of the axis of the bridge, extending on to the property of the Bronx Parkway Commission," be and hereby is modified to read "that the westerly approach shall consist of a single stairway which beginning at the westerly end of the bridge span shall descend westerly on a continuation of the longitudinal axis of the bridge to a landing which shall continue on said longitudinal axis until the westerly right of way line of the railroad company shall have been crossed, whence said stairway shall be continued northerly at right angles to the said longitudinal axis to the property of the Bronx Parkway Commission, with the easternmost railing not less than two feet west of the westerly right of way line of the railroad company."

[Case No. 6613]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of FLORI BUSCHINI under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of White Plains, it being proposed that the route shall also be operated to the incorporated village of Pleasantville, Westchester county.

Appearances: Strang & Taylor, attorneys petitioner; Martin J. Birmingham, attorney for Lewis R. Fisher, in opposition.

A petition under chapter 667 of the laws of 1915 having been filed with this Commission by Flori Buschini for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of White Plains, "from the corner of South Lexington avenue and Main street, in the city of White Plains, N. Y., thence easterly along Main street to North Broadway, thence northerly along North Broadway to the City Line," it being proposed that the route shall also be operated to the village of Pleasantville, Westchester county; and a public hearing on said petition, after due notice, having been held by Chairman Hill of this Commission in the city of New York on October 21, 1918, those named above appearing; now, after due consideration and for reasons given in Opinion of the Commission of this date, it is

Ordered: That said petition is hereby denied.

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[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petitions of THE NEW YORK, LACKAWANNA AND WESTERN RAILROAD COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA, Erie county; and the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SLOAN, Erie county, for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

Ordered: 1. That the fifth intermediate accounting entered into by The Delaware, Lackawanna and Western Railroad Company with the Lehigh Valley Railroad Company, the Erie Railroad Company, and the Town of Cheektowaga, showing expenditures to the amount of \$110,321.71, exclusive of interest, properly and necessarily incurred to February 28, 1918, in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; said accounting having been accepted by The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer, by the Lehigh Valley Railroad Company as indicated by the signature of its chief engineer, by the Erie Railroad Company as indicated by the signature of its assistant chief engineer, and by the Town of Cheektowaga as indicated by the signature of the town attorney.

2. That of the total amount of \$110,321.71 thus expended and herein accounted for, the share of and the amount chargeable to The Delaware, Lackawanna and Western Railroad Company is the sum of \$39,770.99; the shares of and the amounts chargeable to the Lehigh Valley Railroad Company and the Erie Railroad Company, as fixed by contract dated February 3, 1917, are the respective sums of \$10,935.04 and \$4454.82; the share of the Town of Cheektowaga is the sum of \$27,580.43; and the share of the State of New York is the sum of \$27,580.43, said last mentioned sum to be paid by the State out of funds appropriated for the elimination of grade crossings.

[Case No. 6221]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day
of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of DEER RIVER RAILROAD CORPORATION and WILLARD B. VAN ALLEN as to transfer of the former Carthage and Copenhagen railroad to the corporation; and as to exercise of the franchises and operation of the railroad and issuance of capital stock by the corporation.

Petition filed September 27, 1917; report of division of capitalization dated October 10, 1917; hearing held October 23, 1917; report of division of capitalization dated November 18, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That this case is hereby closed upon the records of the Commission.

[Case No. 6335]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day
of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of MOHAWK HYDRO-ELECTRIC COMPANY and COURTER ELECTRIC COMPANY for approval of the proposed sale of the property of said Courter Electric Company to said Mohawk Hydro-Electric Company; for authority to said Mohawk Hydro-Electric Company to issue first mortgage bonds in the amount of \$125,000, and preferred capital stock of the par value of \$22,500; and for permission to said Courter Electric Company to acquire stock and bonds of said Mohawk Hydro-Electric Company in payment of the purchase price of said property.

Petition filed January 22, 1918; supplemental petition filed June 25, 1918; report of field examination of division of capitalization dated July 10, 1918; report of division of light, heat, and power dated August 27, 1918; final report of division of capitalization dated November 16, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated November 16, 1918, a copy of which shall be served upon the corporation, such entries being listed on pages 9 to 11 inclusive thereof, shall be entered upon the books of the Courter Electric Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the consent of the Commission is hereby given to the transfer by the Courter Electric Company of all its works, system, franchises, property, and other assets to the Mohawk Hydro-Electric Company, and to the acquisition of said works, system, franchises, property, and other assets by the Mohawk Hydro-Electric Company, free and clear of all indebtedness, for the sum of \$82,777, provided that the amount of all of such assets at the actual date of the transfer shall not be less than the amount of said assets at December 31, 1917, as set forth in the final report of the division of capitalization dated November 16, 1918.

3. That the Mohawk Hydro-Electric Company is hereby authorized to issue \$117,000 face amount of its 6 per cent thirty-year first mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of November, 1910, given to the Columbia Trust Company of New York as trustee, to secure an authorized issue of bonds of a total face value of \$3,000,000.

4. That said bonds of the total face value of \$117,000 may be sold for not less than 90 per cent of their face value to realize net proceeds of at least \$105,300.

5. That the Mohawk Hydro-Electric Company is hereby authorized to issue \$20,800 par value of its 5 per cent cumulative preferred stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$20,800.

6. That the proceeds of said stock and bonds so authorized, which shall not be less than \$126,100, shall be used solely and exclusively for the following purposes:

(a) For the acquisition of all of the assets and property of the Courter Electric Company in accordance with the terms of ordering clause No. 2 herein	\$82,770.00
(b) For the payment of the note owing by the Mohawk Hydro-Electric Company to the Mohawk Improvement Company for the cost of construction work done, as follows:	
Cost of transmission line between the town line of Cobleskill and the village of Fort Plain.....	\$35,735.33
Transformers and other equipment.....	3,259.99
Superintendence, engineering, interest during construction, insurance, and commission expense.....	4,065.47
	<u>43,060.79</u>
	<u>\$125,837.79</u>
Excess proceeds	\$126.21

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Mohawk Hydro-Electric Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That The Mohawk Hydro-Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what securities have been sold during such period; (b) the dates of such sales; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount of the proceeds of the securities authorized herein which has been expended during the period for each of the purposes specified herein. Such reports shall continue to be filed until all of said securities shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or proceeds expended the report shall set forth such fact.

9. That solely for the purpose of accomplishing the transfer of property and assets hereinbefore authorized, the Courter Electric Company is hereby permitted to acquire and hold \$77,000 face amount of the 6 per cent first mortgage bonds, and \$13,400 par value of the 5 per cent cumulative preferred stock, of the Mohawk Hydro-Electric Company herein authorized to be issued.

10. That following the transfer of the assets of the Courter Electric Company to the Mohawk Hydro-Electric Company as hereinbefore authorized, the amount of \$2932.78, carried in account "Other Intangible Capital to be Amortized," shall be amortized by crediting that account and charging the account "Other Contractual Deductions from Income," according to the following schedule: calendar year ended December 31, 1918, \$682.78; calendar year ended December 31, 1919, \$750; calendar year ended December 31, 1920, \$750; calendar year ended December 31, 1921, \$750: \$2932.78.

11. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

12. That the Courter Electric Company shall within a reasonable time after the consummation of the sale approved in this order, file with the Commission all such annual or other periodic reports as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning its operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the sale hereby approved.

13. The authority contained in this order is also upon the express condition that the petitioner, the Mohawk Hydro-Electric Company accepts and agrees to comply in good faith with any and all orders heretofore made by this Commission affecting rates and service charged or to be rendered by the Courter Electric Company.

14. That the authority contained in this order for the transfer of property and to issue securities is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the companies shall advise the Commission whether or not they accept the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6580]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of BECK MANUFACTURING COMPANY of Buffalo *against* NEW YORK TELEPHONE COMPANY as to advance payment and as to disputed number of calls.

Appearances: Albert Beck for complainant; Frankland Briggs for New York Telephone Company.

This complaint was filed with this Commission on August 31st last: it protests against payment in advance for telephone service, and the cutting

off of service toward the end of the month when the bill is not paid; alleges that complainant has been charged for more calls than used; and protests against loss of service without discount in bill when the company's service was interrupted through trouble with its cable. The company answered, alleging its practice in calling for payment in advance is reasonable; admitting it discontinued complainant's service for such non-payment; denying that the failure of complainant to use the full number of calls under its contract entitles it to discount; and denying that complainant's service was interrupted because of trouble with cables. On these issues a hearing in Buffalo was held by Chairman Hill of this Commission on October 26, 1918, at which those named above appeared. After discussion and hearing the evidence of Mr. Beck, representing complainant, it seemed that the complaint was without merit except possibly as to the interruption of service for a period of from three days to a week through the cutting of the cable; and the attorney of the telephone company announced its readiness to refund a portion of the charge if the Commission, after further evidence, considered that this allegation was proved. Complainant was unable at this hearing to identify the time in question, and an adjournment of one week was granted him for this purpose. At the adjourned day complainant failed to appear, and has not since offered to supply this proof. After consideration of this record the Commission is of the opinion that the complaint is without merit, and it is therefore

Ordered: That this complaint is hereby dismissed.

[Case No. 6653]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of schedule filed with this Commission October 25, 1918, by the ROCHESTER AND SYRACUSE RAILROAD COMPANY, INC., as its supplement No. 3 to P. S. C., 2 N. Y., No. 8, proposing increased fares and charges for passenger travel, etc.

Suspension
order.

The Rochester and Syracuse Railroad Company, Inc., on October 25, 1918, filed with this Commission a schedule designated as its "Supplement No. 3 to P. S. C., 2 N. Y., No. 8, canceling Supplement No. 2," containing proposed changes which operate to increase fares and charges. And it appearing from complaints filed with this Commission by numerous patrons of said company protesting against such proposed changes, particularly as to the increase in fare from Rockwood street (Rochester City Line) to Rochester City Terminal; and the Commission because thereof being of the opinion that it should enter upon a hearing concerning the lawfulness and propriety of the matters complained of, and pending hearing and decision thereon that said schedule should be suspended, it is

Ordered: 1. That the operation of said schedule of said Rochester and Syracuse Railroad Company, Inc., be and is hereby suspended for 60 days from and including November 24, 1918, to and including January 22, 1919, unless the Commission shall otherwise order, and that the use of the fares, charges, and regulations stated therein be and is hereby deferred for the same period.

2. That a hearing concerning the matters complained of and the lawfulness and propriety of the proposed increased fares, charges, and regulations contained in said tariff schedule be held at the Courthouse in the city of Rochester, N. Y., on Friday, December 13, 1918, at 10 o'clock a. m.

3. That a copy of this order be filed with the Commission's copy of said schedule of said Rochester and Syracuse Railroad Company, Inc., and that the aforesaid carrier shall publish, post, and file a supplement to said tariff P. S. C., 2 N. Y., No. 8, giving due notice of this suspension as required by Rule 33(i) of this Commission's Circular No. 68.

[Case No. 4147]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of F. M. BRADLEY of Barker, Niagara county, and the WEST SOMERSET COLD STORAGE COMPANY, INC., *against* NEW YORK TELEPHONE COMPANY as to rates and service. Supplemental complaint.

This Commission having heretofore and on the 15th day of July, 1915, made its order wherein and whereby among other things the New York Telephone Company was directed on or before the 15th day of August, 1915, to establish its four-party line telephone service at its exchange in the village of Barker, Niagara county, New York, at and for the base rate charge of \$21 for a telephone at a business place and \$15 for a residence telephone; and said New York Telephone Company having applied to this Commission for a modification of said order so as to permit it to charge \$24 for a four-party line telephone and \$18 for a residence telephone; and said application having come on to be heard before Commissioner Barhite at the office of the Commission in the city of Buffalo, New York, on the 15th day of November, 1918; and due proof of due notice of said hearing upon R. V. Marye, esq., general attorney of the New York Telephone Company; upon Mrs. Grace Bereau, Barker, Niagara county, N. Y.; C. W. Little, esq., Buffalo, N. Y.; C. L. Fox, esq., Barker, Niagara county, N. Y.; Harry Chandler, esq., Newfane, Niagara county, N. Y.; C. F. Rees, esq., Lockport, N. Y.; F. H. Ferguson, esq., Appleton, Niagara county, N. Y.; Charles Garbott, esq., Barker, Niagara county, N. Y.; F. M. Bradley, esq., Barker, Niagara county, N. Y.; Dr. William G. Sprague, Barker, Niagara county, N. Y.; Jay L. Dickinson, Barker, Niagara county, N. Y.; Fred A. Fraser, esq., Barker, Niagara county, N. Y., and the Village President, Barker, Niagara county, N. Y., having been made and filed; and the New York Telephone Company having appeared by Franklin Briggs, esq., its attorney, no one appearing to oppose; and it appearing to the Commission from the evidence that the rates charged by the New York Telephone Company for four-party line service at the village of Barker, New York, are not in harmony with the rates charged for similar service under similar conditions in other places in the State of New York, but that the new proposed rates will bring such service into harmony with the rates charged for similar service in other parts of the State of New York, and that under the present rates the exchange at Barker, New York, is not self-supporting.

Ordered: That the order made by this Commission on the 15th day of July, 1915, in the above entitled proceeding, be and the same is hereby amended so as to permit the New York Telephone Company to charge at the rate of \$24 per year for four-party line service at business places, at its Barker, New York, Exchange, and at the rate of \$18 per year for four-party line service at the same exchange, and said company is hereby directed and permitted to change its tariff accordingly, said tariff to become effective upon five days' notice to this Commission and to the public and to contain the following notation: "Established on five days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, dated November 26, 1918, in case No. 4147."

[Case No. 5725]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of NASSAU LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$531,000 common capital stock.

Petition filed October 2, 1916; statement of fixed capital expenditures, etc., filed December 27, 1916; report of division of capitalization dated June 8, 1917; reports of division of light, heat, and power dated December 3 and 12, 1917, and June 19 and August 6, 1918; final report of division of capitalization dated July 19, 1918; supplement to final report of division of capitalization dated August 12, 1918; order entered August 20, 1918; supplemental petition filed October 3, 1918; report of division of capitalization dated October 15, 1918; hearing held November 21, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Nassau Light and Power Company is hereby authorized to use \$2422.50 of the proceeds of the stock hereinbefore authorized to be issued, for the purpose of paying a banker's commission for services in effecting the sale of \$96,900 par value of its common capital stock at not less than its par value, said stock being part of the \$380,000 par value of common capital stock authorized to be issued by order dated August 20, 1918; provided that if the par amount of capital stock sold under the authority contained herein shall be less than \$96,900, the amount of banker's commission to be paid shall not exceed 2½ per cent of the principal amount of the stock which is actually sold.

2. That the authority contained herein is limited to and may be exercised only within six months from the date of this order.

3. That in all other respects the terms and conditions of said order of August 20, 1918, shall remain in full force and effect.

[Case No. 6090]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of NEW YORK STATE RAILWAYS under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

Appearances: Warnick J. Kernan for the applicant; D. N. Beach for the applicant; Stewart F. Hancock, corporation counsel, for the City of Syracuse; George B. Dolson, 300 Merchant Bank Building, Syracuse, attorney for the Village of Liverpool; Lamont Stillwell, 331 Union Building, Syracuse, attorney for the Village of Solvay; Irving Higby, 704 City Bank Building, Syracuse, attorney for the Village of Eastwood; B. B. Cunningham, by Clarence M. Platt, 46 City Hall, Rochester, for the City of Rochester; Ezra Hanagan, assistant corporation counsel of the City of Utica, for the City of Utica; A. J. O'Connor, Rome, for the City of Rome; William S. Rhodes, Little Falls, for the City of Little Falls; D. C. Burke, Oneida, for the City of Oneida; James D. Smith, mayor City of Utica; August Merrill, corporation counsel City of Utica.

The New York State Railways having presented its petition or complaint under subdivision 1 of section 49 of the Public Service Commissions Law, alleging that the rates, fares, and charges charged by it in the cities of Rochester, Syracuse, Utica, Rome, Oneida, and Little Falls are insufficient to yield a reasonable compensation for the service rendered, and are unjust and unreasonably low, and do not allow sufficient average return upon the value of the property actually used in the public service after providing for surplus and contingencies; and asking that the Commission determine the just and reasonable rates, fares, and charges to be thereafter observed and in force as the maximum to be charged for the service to be performed by it in such cities; and the City of Rochester having procured from the Supreme Court of the State of New York a writ of prohibition by virtue of which the Commission is forbidden to consider the question of the rates of fare in the city of Rochester, and in obedience to that writ that inquiry having been eliminated from this proceeding; and the Commission having given a public hearing as to the question of the fares to be charged in the cities of Syracuse and Utica; and the common council of the City of Utica having by resolution waived during the continuance of the war the provisions of all franchises limiting the rate of fare to be charged in that city, and submitting the matter to the examination and determination of this Commission, any increase of fare, if granted, to be not more than six cents where five cents was formerly charged; and at the hearing in this proceeding those named above appearing; and this Commission having determined from the evidence and being of opinion for the reasons stated in an Opinion of the Commission filed herewith that the rates, fares, and charges charged by said railroad company for the transportation of persons and property in the cities of Utica and Syracuse are insufficient to yield reasonable compensation for the service rendered, and are unjust and unreasonable, and that the rates, fares, and charges hereinafter mentioned are just and reasonable, it is

Ordered: That the maximum fare which may be charged for the carriage of passengers by the New York State Railways in the city of Utica and in the city of Syracuse shall be six cents; and it is

Further Ordered: That the New York State Railways be and it is hereby authorized to publish and file with the Commission, in the manner provided by the Public Service Commissions Law and the regulation of the Commission established thereunder, a passenger tariff for the cities of Syracuse and Utica appertaining to fare schedule regulations and practices as herein prescribed; such tariff may be effective on five days' notice to the public and the Commission. Such a tariff shall bear the following notation: "Issued on five days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date November 26, 1918, in case No. 6090." And it is

Further Ordered: That the fares so fixed shall continue only during the war and a reasonable time thereafter, and that this determination and order may be reopened at any time if and when it may appear to this Commission that the reasons for permitting the company to charge the increased fares no longer exist.

Further Ordered: That this order shall be considered as no determination of the Commission with reference to fares in either of the cities of Rome, Oneida, or Little Falls, and that the Commission retain jurisdiction of this proceeding for the purpose of further investigation and determination of such questions as may arise in those cities should such action be desired.

[Case No. 6094]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of PEEKSKILL LIGHTING AND RAILROAD COMPANY under section 49 of the Public Service Commissions Law for permission to increase passenger fares. Petition of the company for consent to charge a six cents fare in the village and two cents for transfers to another line.

December 12, 1917, the Commission made an order permitting the Peekskill Lighting and Railroad Company, under certain restrictions, to increase its rate of fare upon its street railroad from five to seven cents. The Court of Appeals having decided in the matter of Quinby that the Commission was without authority to authorize a greater rate of fare than that stipulated in the franchise granted by the municipality to the railroad company, and it appearing that there was such a restriction in the franchise of this company granted by the Village of Peekskill, a rehearing was allowed. October 29, 1918, the board of trustees of the Village of Peekskill enacted an ordinance amending said franchise, and providing that the applicant might charge a sum not exceeding six cents for each passenger over its lines either way within the present village limits, and might charge a sum not exceeding two cents for each passenger transferred from its cars to the cars of the Putnam and Westchester Traction Company; and that said amending ordinance should be in force for five years from the date of its acceptance by the Peekskill Lighting and Railroad Company and thereafter until revoked by the board of trustees of the Village of Peekskill or its successors or other authoritative body. November 20, 1918, a further hearing was held at which the company appeared, and there was no appearance in opposition. Proof

was made that the operations of said railroad were even less remunerative than they were at the time of the previous hearing and as set out in the order of December 12, 1917. It is therefore

Ordered: 1. That the permission and approval of this Commission to the exercise of the rights and privileges conferred by and under the said franchise amendment be and are hereby granted.

2. That the Peekskill Lighting and Railroad Company be and is hereby authorized to charge for a continuous ride over its lines within the village of Peekskill a maximum rate of fare of six cents per passenger.

3. That the Peekskill Lighting and Railroad Company be and is authorized to charge for the transfer of passengers over its lines in the village of Peekskill to the line of the Putnam and Westchester Traction Company in the village of Peekskill two cents per passenger, the said transfer to entitle such passenger to further transportation within the village of Peekskill on the line of the Putnam and Westchester Traction Company; and the rules and regulations of said company in respect to the use of such transfers shall be embodied in its tariff schedules to be filed with this Commission.

4. That rates of fare established in conformity with the provisions of this order shall be contained in a schedule filed in accordance with the provisions of section 28 of the Public Service Commissions Law, which shall bear the following notation: "Issued on one day's notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date November 26, 1918, in case No. 6094."

5. That the order entered in this proceeding on the 12th day of December, 1917, authorizing the petitioner, the Peekskill Lighting and Railroad Company, to increase its fares within the village of Peekskill, be and is hereby abrogated.

6. That this order remain in effect for a period of five years from and after the 2nd day of November, 1918, when the applicant accepted the amendment of said franchise, and thereafter in accordance with the provisions of said amended franchise unless in the meantime upon complaint made or on investigation by the Commission on its own motion it should be determined that conditions shall have so changed as to warrant a reduction or change in the fares.

[Case No. 6096]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of PUTNAM AND WESTCHESTER TRACTION COMPANY under section 49 of the Public Service Commissions Law for permission to increase passenger fares. Petition of the company for consent to charge a seven cents fare in the village of Peekskill and two cents for transfers to another line.

December 12, 1917, the Commission made an order permitting the Putnam and Westchester Traction Company, under certain restrictions, to increase its rate of fare upon its street railroad from five to seven cents. The Court of Appeals having decided in the matter of Quinby that the Commission was

without authority to authorize a greater rate of fare than that stipulated in the franchise granted by the municipality to the railroad company, and it appearing that there was such a restriction in the franchise of this company granted by the Village of Peekskill, a rehearing was allowed. October 29, 1918, the board of trustees of the Village of Peekskill enacted an ordinance amending said franchise, and providing that the applicant might charge a sum not exceeding seven cents for each passenger over its lines either way within the present village limits, and might charge a sum not exceeding two cents for each passenger transferred from its cars to the cars of the Peekskill Lighting and Railroad Company, and that said amending ordinance should be in force for five years from the date of its acceptance by the Putnam and Westchester Traction Company, and thereafter until revoked by the board of trustees of the Village of Peekskill or its successors or other authoritative body. November 20, 1918, a further hearing was held at which the company appeared, and there was no appearance in opposition. Proof was made that the operations of said railroad were even less remunerative than they were at the time of the previous hearing and as set out in the order of December 12, 1917. It is therefore

Ordered: 1. That the permission and approval of this Commission to the exercise of the rights and privileges conferred by and under the said franchise amendment be and are hereby granted.

2. That the Putnam and Westchester Traction Company be and is hereby authorized to charge for a continuous ride over its lines within the village of Peekskill a maximum rate of fare of seven cents per passenger.

3. That the Putnam and Westchester Traction Company be and is authorized to charge for the transfer of passengers over its line in the village of Peekskill to the line of the Peekskill Lighting and Railroad Company in the village of Peekskill, two cents per passenger, the said transfer to entitle such passenger to further transportation within the village of Peekskill on the line of the Peekskill Lighting and Railroad Company; and the rules and regulations of said company in respect to the use of such transfers shall be embodied in its tariff schedules to be filed with the Commission.

4. That rates of fare established in conformity with the provisions of this order shall be contained in a schedule filed in accordance with the provisions of section 28 of the Public Service Commissions Law, which shall bear the following notation: "Issued on one day's notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date November 26, 1918, in case No. 6096."

5. That the order entered in this proceeding on the 12th day of December, 1917, authorizing the petitioner, the Putnam and Westchester Traction Company, to increase its fares within the village of Peekskill, be and is hereby abrogated.

6. That this order remain in effect for a period of five years from and after the 1st day of November, 1918, when the applicant accepted the amendment of said franchise, and thereafter in accordance with the provisions of said amended franchise, unless in the meantime upon complaint made or on investigation by the Commission on its own motion it should be determined that conditions shall have so changed as to warrant a reduction or change in the fares.

[Case No. 6217]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of schedules filed with this Commission August 7, 1918, by GEORGE BULLOCK, RECEIVER, BUFFALO AND LAKE ERIE TRACTION COMPANY, proposing increases in passenger fares to become effective September 8, 1918, etc.

Third
suspension
order.

The consideration of the matters involved in this case not having been concluded it is

Ordered: 1. That the operation of the fare schedules of George Bullock, Receiver, Buffalo and Lake Erie Traction Company, designated as follows: Passenger tariffs P. S. C., 2 N. Y., Nos. A-141 and A-142; supplement No. 1 to passenger tariff P. S. C., 2 N. Y., No. A-120; and supplement No. 8 to passenger tariff P. S. C., 2 N. Y., No. A-60; be and they are hereby further suspended from and including December 6, 1918, to and including January 5, 1919; and that the use of the fares, charges, regulations, and practices stated therein be and they are hereby deferred for the same period unless this Commission in the meantime vacates, supersedes, or modifies this order.

2. That a copy of this order be filed with this Commission's copies of said passenger tariffs and supplements to passenger tariffs, and that said receiver shall publish, post, and file appropriate supplements as required by Rule 33(i) of this Commission's Circular No. 68.

[Case No. 6303]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of PURCHASERS OF GAS IN THE INCORPORATED VILLAGE OF ALLEGANY, Cattaraugus county, against KEYSTONE GAS COMPANY as to increase in price of natural gas.

For the reasons stated in the order in case No. 6307, made this day, it is

Ordered: That this case be and the same hereby is closed on the records of the Commission, without prejudice however to a new complaint by any one authorized under the statute to make the same.

534 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6307]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the MAYOR OF OLEAN
against KEYSTONE GAS COMPANY as to increase in
price of natural gas furnished customers.

The Keystone Gas Company supplies the city of Olean and the village of Allegany with natural gas. It filed tariffs, effective January 1, 1918, increasing the price of natural gas from thirty-five cents to forty-two cents a thousand cubic feet. A complaint was filed by the Mayor of Olean charging that such increase was unreasonable. A complaint was also filed by purchasers of gas in the village of Allegany on the same ground. A hearing was set to be held in the city of Rochester March 15, 1918. At that time no one appeared, but word was received that the parties to the two proceedings were not ready to proceed with the hearing and desired an adjournment. In another case, a question was raised as to the jurisdiction of this Commission as to rates charged for gas supplied from Pennsylvania gas fields, and it was the desire of counsel for the complainants in the Olean and Allegany cases to await a decision of that case. That case was determined by the Appellate Division of the Third Department sustaining the jurisdiction of the Commission, and counsel for the complainants was notified October 4th and an expression of his desires as to a hearing was requested. November 12th he was again asked if he was ready to proceed with the cases. No answer has been received. It is therefore

Ordered: That the case be and the same hereby is closed on the records of the Commission, without prejudice however to a new complaint by any one authorized under the statute to make the same.

[Case No. 6368]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of jurisdiction of this Commission of Order to
TOWNSHIP TELEPHONE COMPANY. show cause.

The Township Telephone Company having admitted the jurisdiction of this Commission, and having filed its tariffs,

Ordered: That this case be and is hereby closed on the records of this Commission.

[Case No. 6556]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF WATERTOWN and THE NEW YORK CENTRAL RAILROAD COMPANY under section 91 of the Railroad Law as to changing Massey Street grade crossing of said company's railroad in said city to an under-crossing.

The New York Central Railroad Company has submitted a plan entitled "United States Railroad Administration. W. G. McAdoo, Director General of Railroads. N. Y. C. R. R. Buffalo and East. Watertown Branch, St. Lawrence Division. Elimination of grade crossing, Massey street, 1.9 miles west of Watertown. New York, August 3, 1918. Issue No. B." which after examination was found to be in accord with the order of this Commission dated October 31, 1918. Now therefore

Ordered: That the above entitled plan be and hereby is approved.

[Case No. 6568]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of a schedule of passenger fares filed by ALBANY SOUTHERN RAILROAD COMPANY with this Commission July 5, 1918, and complaint in reference thereto.

Appearances: Randall J. LeBoeuf for Albany Southern Railroad Company; George H. Witbeck for complainants.

Albany Southern Railroad Company having on July 5, 1918, filed with this Commission a schedule known as its local passenger tariff P. S. C., 2 N. Y., No. 141, then proposed to become effective August 4, 1918, which was proposed to supersede its tariff known as local P. S. C., 2 N. Y., No. 122; and said company having voluntarily postponed until September 1, 1918, the effective date of said proposed tariff No. 141; and this Commission having by orders dated August 29, September 12, October 1, and October 29, 1918, postponed until and including November 30, 1918, the taking effect of said proposed tariff No. 141, because it appeared from said tariff that rates of fare for passengers on said company's railroad would be increased, and that regulations relating to transportation of baggage, newspapers, etc., and

charges therefor would be changed by said tariff; and because complaint having been received from patrons of the railroad it seemed to this Commission that it should enter upon a hearing concerning the propriety of such proposed changes; and said hearings having been held in the city of Albany on September 5 and 10, 1918, those named above appearing; now, after due consideration, and this Commission determining from the evidence and for the reasons stated in an Opinion of the Commission of this date in this matter that certain increases in said rates and charges are just, but that they should be those referred to in a proposed tariff hereinafter described instead of those in said proposed tariff No. 141, it is

Ordered: That Albany Southern Railroad Company shall on or before November 30, 1918, cancel its proposed local passenger tariff P. S. C., 2 N. Y., No. 141, and shall on or before November 30th file with this Commission such cancellation notice, whereupon the order of this Commission dated October 29, 1918, suspending said tariff until and including November 30, 1918, shall terminate.

Further Ordered: That Albany Southern Railroad Company may file with this Commission on one day's notice, but not effective until December 1, 1918, a tariff of passenger fares and rules relating thereto on said company's railroad, including charges and rules relating to the transportation of baggage, corpse, dogs, and newspapers, which tariff shall be the same as that which is attached to the original of this order on file in the office of this Commission, and which is marked "P. S. C., 2 N. Y., No. 142," and which shall bear notation "Issued on one day's notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date November 26, 1918, in case No. 6568".

Further Ordered: That this order is subject to modification or revocation in a proper proceeding under changed conditions.

[Case No. 6583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of passenger tariff filed by the SCHENECTADY RAILWAY COMPANY, designated as its P. S. C., 2 N. Y., No. 22, proposing increased fares, rates, charges, etc.

Third
suspension
order.

The consideration of this matter not having been concluded it is

Ordered: 1. That the operation of the fare schedule of the Schenectady Railway Company designated as its local passenger tariff P. S. C., 2 N. Y., No. 22, be and it is hereby further suspended from and including November 30, 1918, to and including December 31, 1918, and that the use of the fares, charges, regulations, and practices stated therein be and they are hereby deferred for the same period unless this Commission in the meantime vacates, supersedes, or modifies this order.

2. That a copy of this order be filed with the Commission's copy of said Schenectady Railway Company passenger tariff P. S. C., 2 N. Y., No. 22, and that said company shall publish, post, and file a supplement to said tariff giving notice of this further suspension as required by Rule 33(i) of this Commission's Circular No. 68.

[Case No. 6620]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the CLYMER POWER COMPANY having Order to
failed to file copy of its schedule of rates. show cause.

The Clymer Power Company having filed its schedules of rates for elec-
tricity as required by the previous order of this Commission, it is

Ordered: That this case be and the same is hereby closed on the records
of the Commission.

[Case No. 6632]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of PATENT VULCANITE ROOFING COMPANY under
section 53, Public Service Commissions Law, for per-
mission to construct, and for approval of a franchise
from the City of Albany to construct, at grade, a
single track siding in Tivoli street, in the city of
Albany. Third Petition.

The City of Albany granted a franchise for the construction, maintenance,
and operation of a branch track for freight on Tivoli street, in the city of
Albany, and under the Second Class Cities Law sold it at public auction to
the Patent Vulcanite Roofing Company, which assigned it to The New York
Central Railroad Company, and the railroad company accepted the assign-
ment. The whole purpose was to permit the construction of an extension of
the present branch track of the roofing company in Tivoli street, which was
constructed some time ago under franchises from the city, and with the
approval of this Commission by orders of December 31, 1917, and March 14,
1918. Tivoli street is used solely by manufacturing concerns. The roofing
company has a large factory on this street, and desires to extend its existing
siding in order to serve an extension of this factory which it is now build-
ing. At the hearing November 6, 1918, there were appearances on behalf of
the roofing company and the railroad company, and no appearances in oppo-
sition. It is determined and stated that the construction of said track and
the exercise of said franchise are necessary and convenient for the public
service, and it is

Ordered: 1. That the permission of this Commission be and it hereby is
given to The New York Central Railroad Company for the construction,
maintenance, and operation of a single branch track for the transportation
of freight from the easterly end of the present branch track of the Patent

Vulcanite Roofing Company on Tivoli street, in the city of Albany, which point of beginning is approximately three hundred seventy feet westerly from the southwest corner of Tivoli street and North Pearl street, and running thence easterly in continuation of said present branch track on and along said Tivoli street north of the tracks of the Tivoli Hollow branch of The New York Central and Hudson River Railroad Company, in all a distance of two hundred feet, subject however to all the terms and conditions of aforementioned franchise.

2. That the approval of this Commission be and it hereby is given to The New York Central Railroad Company and the Patent Vulcanite Roofing Company to exercise the rights and privileges conferred by said franchise granted by the common council of the City of Albany on July 1, 1918, subject however to all the terms and conditions thereof.

3. That Patent Vulcanite Roofing Company and The New York Central Railroad Company shall notify this Commission within ten days after the service of this order whether the terms thereof are accepted and will be obeyed by each of them in all respects.

[Case No. 6635]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of Complaint of MILK SHIPPERS AT THE CHAFFEE STATION against THE PENNSYLVANIA RAILROAD COMPANY, asking that milk be permitted to be shipped on a train (No. 961) leaving said station for Buffalo at 9:26 a. m. instead of by train (No. 9313) leaving said station at 7:05 a. m.

A public hearing in the above complaint (which is comprised in the above title) having been held in the city of Buffalo by Chairman Hill of this Commission on November 16, 1918, at which R. W. Phillippi and others appeared for complainants, and Frank Rumsey appeared for Pennsylvania railroad, United States Railroad Administration; and after discussion, it having been then agreed that the milk cans in question would be taken by the railroad from the Chaffee station on the train leaving said station at 9:26 a. m. for Buffalo, during the months of December, January, February, and March, it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

[Case No. 6637]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of UNITED STATES RAILROAD ADMINISTRATION, THE NEW YORK CENTRAL RAILROAD, under section 53, Public Service Commissions Law, for permission to construct two sidetracks across Howard street at grade, in the city of Buffalo, the sidetracks extending for some distance into Detroit street; and for approval of the exercise of a revocable permit therefor received from the city.

Appearances: L. L. Babcock for petition.

A petition under section 53, Public Service Commissions Law, having been filed with this Commission by United States Railroad Administration, New York Central Railroad, for approval of the exercise of a revocable permit granted The New York Central Railroad Company by the council of the City of Buffalo and the mayor of said city, permitting said company to construct two sidetracks at grade across Howard street, and in Detroit street, in said city, for the use of shippers and receivers of freight; and a public hearing on said petition, after due notice, having been held by Chairman Hill of this Commission in the city of Buffalo on November 16, 1918, at which L. L. Babcock appeared for the petition and no one else appeared; and it appearing that the construction of said sidetracks, by allowing prompt delivery and receipt of freight cars at the Jacob Dold Packing Company plant and the plants of the Salem Packing Company and Zellar Tannery, will facilitate the operation of such plants, and that these sidetracks may be used by the general public; and this Commission hereby determining from the papers and oral evidence at the hearing that the exercise of said revocable permit is necessary and convenient for the public service under the conditions hereinafter named, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves the exercise by United States Railroad Administration, New York Central Railroad, of a revocable permit granted to The New York Central Railroad Company by the council of the City of Buffalo October 9, 1918, and approved by the mayor of said city October 15, 1918 (copy of which permit, certified by the city clerk to be a true copy, is filed with the papers in this case), to lay two railroad sidetracks at grade across Howard street, and in Detroit street, in the city of Buffalo, for the use of freight cars and engines, on condition that United States Railroad Administration and New York Central Railroad shall comply with all of the conditions named in said revocable permit, and shall move no engine or freight car over said Howard street without such engine or freight car being preceded by a flagman to warn travel on Howard street.

540 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6642]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the Directors of the GLENFIELD AND WESTERN RAILROAD COMPANY under section 85 of the Railroad Law for permission to cease operation of said company's railroad during the coming winter season.

An application of the Glenfield and Western Railroad Company dated November 4, 1918, for permission to cease operation of its railroad between Glenfield on the New York Central railroad and Monteola, Lewis county, from December 15, 1918, to May 1, 1919, was filed with this Commission on November 7, 1918. The principal business of this railroad is the transportation of lumber and the employees of the companies producing the lumber, which business does not exist during the period mentioned in the application. For a number of years past this Commission has permitted this company to discontinue operation during the winter months on compliance with section 85 of the Railroad Law, it appearing that the public interest would not suffer thereby, but the present application was not made and received in time to permit the required four weeks' public notice before the desired date of cessation of operation. Now therefore

Ordered: That under section 85 of the Railroad Law permission be and hereby is given to the Glenfield and Western Railroad Company to cease the operation of its railroad from and after January 1, 1919, to April 30, 1919, both inclusive.

Further Ordered: That a certified copy of this order shall be posted in all depots and at the termini of said railroad, and published in every newspaper in each town in any part of which said railroad is constructed, at least four weeks prior to the date of said cessation, and that proof of such posting and publication shall be filed with this Commission by said railroad corporation.

[Case No. 6662]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of proposed curtailment of passenger car service in the city of Rochester by NEW YORK STATE RAILWAYS.

Order to
show cause.

This Commission being informed from an advertisement in the Rochester Herald newspaper of November 24, 1918, bearing the signature of J. F.

Hamilton, vice-president, New York State Railways, that said company contemplates, effective December 2, 1918, curtailment of passenger car service on its railway in the city of Rochester, as follows: "Service on the North Goodman and Emerson—Driving Park and Webster lines will be limited to stub cars at ends of lines. During a. m. and p. m. rush hours, extra cars will be operated through. An approximate reduction of 25 per cent will be made on all lines." And it appearing to this Commission that said company is thus about to omit to do a thing required of it by section 28, Public Service Commissions Law, to wit the furnishing of "such service and facilities as shall be . . . adequate and in all respects just and reasonable," it is

Ordered: That said New York State Railways shall show cause before this Commission, at the Courthouse in the city of Rochester on Friday, November 29, 1918, at 2:30 o'clock p. m., why this Commission should not direct counsel to the Commission to commence an action in the Supreme Court for the purpose of having such threatened violation of law stopped and prevented, or why this Commission should not itself take such action as it may be advised to prevent violation of law on the part of said New York State Railways.

[Case No. 5413]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of BLACK RIVER TRACTION COMPANY under section 60, Stock Corporation Law, for approval of increase of capital stock from \$105,000 to \$800,000; and under section 55, Public Service Commissions Law, for authority to issue the increase, viz. \$495,000.

Petition filed February 2, 1916; report of field examination of division of capitalization dated August 27, 1917; report of division of steam railroads dated May 21, 1918; supplemental petition filed October 10, 1918; final report of division of capitalization dated November 18, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entry contained in the final report of the division of capitalization in this proceeding dated November 18, 1918, a copy of which shall be served upon the corporation, such entry being listed on page 8 thereof, shall be entered upon the books of the Black River Traction Company, and that within thirty days from the service of this order verified proof that such entry has been made shall be submitted to the Commission.

2. That the Black River Traction Company is hereby authorized to execute and deliver to William A. Waddingham, of Watertown, N. Y., as trustee, a certain indenture, deed of trust, or mortgage upon all its plant and property, to be dated the 1st day of January, 1918, to secure an issue of first mortgage thirty-year gold bonds to the aggregate amount of \$500,000 face value, bearing interest at the rate of 6 per cent per annum, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved, provided that said company shall

have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission, and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

4. That the Black River Traction Company is hereby authorized to issue \$300,000 face amount of its 6 per cent 30-year first mortgage gold bonds under the aforesaid mortgage.

5. That said bonds of the total face amount of \$300,000 may be sold for not less than their face value to realize net proceeds of at least \$300,000.

6. That the Black River Traction Company is hereby authorized to issue \$180,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to realize net proceeds of at least \$180,000.

7. That the proceeds of said stock and bonds so authorized, which shall not be less than \$480,000, shall be used solely and exclusively for the payment of its accounts payable outstanding at December 31, 1917, aggregating \$489,632.59; amount unprovided for, \$9632.59.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Black River Traction Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Black River Traction Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what securities have been sold during such period; (b) the dates of such sales; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount of the proceeds of the securities herein authorized which has been expended during such period for the purpose specified herein. Such reports shall continue to be filed until all of said stock and bonds shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no stock or bonds were sold or proceeds expended the report shall set forth such fact.

10. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

11. That the authority contained in this order to issue securities is upon the express condition that the petition accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6080]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

In accordance with and for the reasons stated in the accompanying Opinion it is

Ordered: 1. That the Fonda, Johnstown and Gloversville Railroad Company is hereby authorized to charge and collect for the transportation of a passenger on its cars within the municipal limits of the cities of Johnstown and of Gloversville a maximum cash fare of six cents, all existing transfer privileges to remain in full force and effect.

2. That the Fonda, Johnstown and Gloversville Railroad Company is hereby authorized to charge and collect a maximum cash fare of six cents for the transportation of a passenger on its line extending northerly from Harrowers to Hagaman.

3. That if the Fonda, Johnstown and Gloversville Railroad Company secures from the City of Amsterdam a waiver of the existing franchise restriction limiting it to a maximum charge of five cents for the transportation of a passenger carried in its cars to or from West Main street within the corporate limits of the City of Amsterdam, this order will constitute its authority from this Commission to charge and collect a maximum cash fare of six cents for the transportation of a passenger on its cars within the municipal limits of the City of Amsterdam, all existing transfer privileges to remain in full force and effect.

4. That if the City of Amsterdam does not waive the above mentioned franchise restriction, the railroad company may file a schedule under a short notice if desired, adjusting its rates in Amsterdam in accordance with the increase granted and the franchise restrictions.

5. The Fonda, Johnstown and Gloversville Railroad Company is hereby authorized to publish and file with the Commission, in the manner provided in the Public Service Commissions Law and the regulations of the Commission established thereunder, a passenger tariff containing fare schedules, charges, regulations, and practices herein prescribed, effective on not less than five days' notice to the public and the Commission.

6. It being expressly understood that the fare schedules, charges, regulations, and practices therein prescribed may only continue in effect as maximum fares, charges, regulations, and practices during the present period of high prices, and are subject to change when the facts shown warrant same.

544 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6510]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1918.

Present:

**CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.**

In the matter of service furnished by CENTRAL HUDSON GAS AND ELECTRIC COMPANY under its "Optional Service" rate for electricity.

The Pioneer Pearl Button Company of Poughkeepsie having presented a complaint by correspondence against the Central Hudson Gas and Electric Company to the effect that it had discontinued or was about to discontinue service to certain customers formerly supplied under its optional service rate, but does not intend to discontinue all service under that classification; and the Commission having issued an order requiring the Central Hudson Gas and Electric Company to appear before the Commission and show cause why its action in this matter should not be adjudged discriminatory and unlawful, and why it should not be ordered to either cancel its classification No. 8, P. S. C., 2 N. Y., No. 3, or furnish service under that classification to all consumers applying therefor who may be entitled to such service; and the Central Hudson Gas and Electric Company having appeared upon the return date of said order to show cause by Leon H. Scherck of Poughkeepsie, N. Y.; and the Pioneer Pearl Button Company having appeared by R. H. Clark of Poughkeepsie, N. Y.; and the Commission having heard the proofs of the parties in reference thereto; and it having appeared at said hearing that the Pioneer Pearl Button Company has been served with electricity by said Central Hudson Gas and Electric Company under service classification No. 8, providing for the optional service rate, and that other consumers are also furnished with electricity by said company under said classification; and that said Central Hudson Gas and Electric Company has threatened to, and is about to, discontinue service to said Pioneer Pearl Button Company under said classification, but proposes to continue service to other consumers under said classification, and has offered to furnish electricity to said Pioneer Pearl Button Company under other classifications contained in its tariff on file; and the Commission having determined that such proposed action is illegal and unjustly discriminatory, it is

***Ordered:* That the Central Hudson Gas and Electric Company be and it hereby is required to furnish to the Pioneer Pearl Button Company electricity under said optional service classification so long as said Pioneer Pearl Button Company desires to receive the same and said Central Hudson Gas and Electric Company continues to furnish electricity under such classification to other consumers.**

***Further Ordered:* That said Central Hudson Gas and Electric Company shall, within thirty days from the date of this order, either cancel its classification No. 8, P. S. C., 2 N. Y., No. 3, on file with the Commission, or file an amendment thereto defining optional service to mean service to be rendered or discontinued for periods at call of either the producer or consumer, provided that whenever the producer discontinues optional service to one consumer it shall at the same time discontinue such service to all optional service consumers; and that said amendment may be filed upon five days' notice and bear the following notation: "Issued on five days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, the 27th day of November, 1918, in case No. 6510."**

Further Ordered: That after the general schedule is so amended, but not later than January 1, 1919, said Central Hudson Gas and Electric Company cease and desist from applying its optional service classification to any and all consumers who may not fall within the class of consumers to which such classification properly applies.

Further Ordered: That the Central Hudson Gas and Electric Company shall within ten days after the receipt by it of a copy of this order notify the Commission whether the terms of this order are accepted and will be obeyed.

[Case No. 6516]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of CUSTOMERS IN
JEFFERSONVILLE, Sullivan county, against LIVINGSTON
MANOR ELECTRIC COMPANY as to service.

Robert B. McGinn and others having presented a complaint against the Livingston Manor Electric Company in regard to the service rendered by said company to the residents of Jeffersonville, in the town of Callicoon, Sullivan county; and it appearing from the correspondence that since the filing of the complaint that the service rendered by said company to the residents of the said village had been very much improved, and the complainants having expressed themselves as satisfied with the service now being rendered, it is

Ordered: That the case be closed upon the records of the Commission, without prejudice to the rights of the complainants or any patron of the company to file a new complaint or to reopen this proceeding in case there is a further failure of the service upon the part of said company.

[Case No. 6579]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of SHIPPERS OF HIMBOD
STATION, Yates county, against THE PENNSYLVANIA
RAILROAD COMPANY as to proposed discontinuance of
the station.

A number of the shippers and receivers of freight and express at the Himrod, N. Y., station of The Pennsylvania Railroad Company having made

complaint to this Commission that it was the intention of the said railroad company to close said station, and asking that said company be not allowed to close said station; and the railroad company having made answer to the complaint; and the issues having come on to be heard before Commissioner Barhite at the city of Rochester on the 12th day of October, 1918, at which time Hon. Gilbert H. Baker appeared for the complainant, and Alexander Diven, esq., was present for the United States Railroad Administration and for the superintendent of the Elmira division of The Pennsylvania Railroad Company; and it appearing from the evidence that to close said station or to do away with the services of an agent at that point will seriously discommode and inconvenience the public who have occasion to use said railroad at said station,

Ordered: That The Pennsylvania Railroad Company be and it is hereby ordered and directed not to dispense with the services of an agent at the station of said company at Himrod, N. Y.; and is further directed to continue its business as usual at said point, and to sell passenger tickets and to receive and ship freight from said station in the usual manner until the further order of the Commission.

Further Ordered: That The Pennsylvania Railroad Company shall within ten days after its receipt of this order notify the Commission whether the order is accepted and will be obeyed.

Special Permission Tariffs, November, 1918.

No. 7121; November 2, 1918; Arcade and Attica Railroad Corporation:

Ordered: That on its application therefor dated November 1, 1918, the Arcade and Attica Railroad Corporation be and is hereby authorized to file, on not less than ten days' notice to the public and the Commission and under an effective date of November 25, 1918, a supplement to its local freight tariff P. S. C., 2 N. Y., No. 4, canceling said tariff and referring to its tariff P. S. C., 2 N. Y., No. 40, as containing rates and regulations to thereafter apply. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of this Commission's published rules relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 4, effective November 25, 1918.

No. 7122; November 7, 1918; Chautauqua Traction Company:

Ordered: That on its application therefor dated November 5, 1918, the Chautauqua Traction Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 330, for the purpose of changing the one-way fare between Lakewood, N. Y., and Jamestown, N. Y., from 16 to 10 cents; also to provide a regulation for the sale and use of 20-ride tickets between the same two points at rate of \$1.50 per book. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 3 to P. S. C. No. 330, effective November 27, 1918.

No. 7123; November 12, 1918; Empire State Railroad Corporation:

Ordered: That under its application therefor dated November 8, 1918, the Empire State Railroad Corporation be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and under an effective date of November 24, 1918, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 6, and provide therein for the changing of the one-way joint ticket fare from Phoenix, N. Y., to Rochester City Line (Rockwood Street), N. Y., from \$2.44 to \$2.74. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the require-

ments of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 4 to P. S. C. No. 6, effective November 24, 1918.

No. 7124; November 15, 1918; R. N. Collyer, Agent:

Ordered: That on application therefor dated November 13, 1918, R. N. Collyer, Agent, duly appointed by carriers not under federal control to file Official Classification, be and is hereby authorized to file, as to New York intrastate traffic, on not less than five days' notice to the public and the Commission and within forty-five days from the date hereof, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 44, revising the classification specifications for finished passenger automobile bodies as shown on page 27 of supplement No. 26 to said tariff, as set forth in said application, which application is hereby made a part of this order. Said supplement may also include additions to, changes in, or eliminations from the list of participating carriers. This authority does not waive any of the provisions of the Public Service Commissions Law except as to the notice to be given, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the provisions of Rule 9(e), Circular No. 68.

No. 7125; November 21, 1918; Glenfield and Western Railroad Company:

Ordered: That on its application therefor dated November 20, 1918, the Glenfield and Western Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a local freight tariff of less than carload and carload rates applying to traffic transported between points on its line, such rates to be as shown in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by P. S. C. No. 6, effective December 15, 1918.

No. 7126; November 19, 1918; United States Railroad Administration, Delaware, Lackawanna and Western Railroad:

Ordered: That on application therefor dated November 18, 1918, the United States Railroad Administration, Delaware, Lackawanna and Western Railroad, be and it is hereby authorized to publish, post, and file with this Commission, on not less than one day's notice under an effective date not later than December 15, 1918, a joint freight tariff of commodity rates on Brick, etc., applying in connection with the Pittsburg, Shawmut and Northern railroad, as canceling tariff P. S. C., 2 N. Y., No. 3151, reissuing the matter contained without change except to make the rate in cents per 100 pounds on Common Brick, carloads, from Black Rock, N. Y., Buffalo, N. Y., and East Buffalo, N. Y., to Swains, N. Y., 7½. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by P. S. C. No. 3158, effective December 2, 1918.

No. 7127; November 21, 1918; Schenectady Railway Company:

Ordered: That on its application therefor dated November 21, 1918, the Schenectady Railway Company be and it is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of November 25, 1918, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 19, and therein provide—

1. Fares increased by 1 cent over present fares to apply between any two points as follows: (a) within Group No. 6 (Ballston Junction—Leonards);

(b) within Group No. 7 (Leonards-Saratoga); (c) between any point within Groups Nos. 1, 2, 3, 4, 5 (Schenectady-Ballston Junction) and any point within Group No. 6.

2. Fares increased by 2 cents to apply as follows: Between any point within Groups Nos. 1, 2, 3, 4, 5, 6 (Schenectady-Leonards) and any point within Group No. 7.

This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given. The Commission does not hereby approve any fares that may be filed and established under this authority, all such fares being subject to protest, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

Completed by supplement No. 17 to P. S. C. No. 19, effective November 25, 1918.

No. 7128; November 29, 1918; New York State Railways, Utica Lines:

Ordered: That under its application therefor dated November 29, 1918, the New York State Railways, Utica Lines, be and it is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of December 2, 1918, a supplement to its passenger tariff P. S. C., 2 N. Y., No. U-19, and provide therein to change title page to read: " . . . Effective December 27, 1918, except as otherwise specified herein." " . . . The fares herein which are increased from five to six cents will be effective December 2, 1918, under authority as stated hereon." "Issued on five days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date November 26, 1918, in case No. 6090." This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. U-19, effective December 2, 1918.

No. El.-53; November 27, 1918; Edison Electric Light and Power Company:

Ordered: That under its application therefor dated November 25, 1918, the Edison Electric Light and Power Company be and it is hereby authorized to file, on not less than two days' notice to the public and the Commission and under an effective date of December 1, 1918, Original Leaf No. 20 to its General Schedule for Electricity P. S. C., 2 N. Y., No. 2, establishing a new optional service classification to be available to commercial retail power consumers in the city of Amsterdam, as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given; nor does it in anywise carry the approval of any rates, charges, or regulations that may be filed and established hereunder, all such rates, charges, or regulations being subject to protest, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

Completed by schedule effective December 1, 1918.

No. G-39; November 18, 1918; Tri-County Natural Gas Company:

Ordered: That on its application therefor dated November 11, 1918, the Tri-County Natural Gas Company be and it is hereby authorized to file, on not less than ten days' notice to the public and the Commission and within thirty days from the date hereof, amendments to its general schedule for natural gas, P. S. C., 2 N. Y., No. 1, for the purpose of changing the service charge now applicable in the town of LeRoy to conform with the service

charge applicable in all other territory of said company; and establishing a service classification to apply to gas furnished to employees of said company; as per exhibits A, B, C, and D attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the filing and publication of rate schedules except as to the notice to be given.

Completed by schedules effective December 1, 1918.

No. T.&T.129; November 14, 1918; Postal Telegraph-Cable Company:

Ordered: That on its application therefor dated November 13, 1918, the Postal Telegraph-Cable Company be and it is hereby authorized to file, effective as of November 4, 1918, an amendment to its tariff book of date January 1, 1918, and eliminate therefrom Johnstown, Fulton county, N. Y., as a telegraph office. This authority does not waive any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule filed November 14, 1918.

No. T.&T.130; November 25, 1918; Glen Telephone Company:

Ordered: That under its application therefor dated November 25, 1918, the Glen Telephone Company be and it is hereby authorized to file, on not less than twenty-five days' notice to the public and the Commission and under an effective date of January 1, 1919, revisions of its local general tariffs P. S. C., N. Y., Nos. 4, 6, 8, 9, and 14, making the changes in rates, rentals, charges, etc., as set forth in exhibit "A" attached to said application, which exhibit is hereby made a part of this order. To the extent herein authorized this authority modifies the provision expressed in this Commission's opinion in cases Nos. 4176 and 4184, that rates approved by the Commission's order dated December 30, 1915, in said cases should continue in effect for a period of three years from March 1, 1916, but does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given; nor does it in anywise carry the approval of any rates, rentals, charges, etc., that may be filed and established hereunder, all such rates, rentals, charges, etc., being subject to protest, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

550 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6007]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 3rd day
of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of NIAGARA, LOCK-
PORT AND ONTARIO POWER COMPANY and SALMON
RIVER POWER COMPANY under section 69 of the Public
Service Commissions Law as to the Niagara company
issuing \$1,482,128 in notes or debentures, and as to the
Salmon River company issuing \$546,000 in refunding
notes; under section 70 of the Public Service Commis-
sions Law as to Niagara company acquiring capital
stock, said refunding notes, and other notes of Salmon
River company.

Petition filed April 25, 1917; first amendatory petition filed October 13,
1917; report of division of capitalization dated October 17, 1917; order entered
October 23, 1917; second amendatory petition filed January 15, 1918; report
of division of capitalization dated January 23, 1918; hearing held January
24, 1918; order entered January 29, 1918; second amendatory petition filed
November 26, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the supplemental order entered herein under
date of January 29, 1918, is hereby modified and amended in such manner as
to permit the Niagara, Lockport and Ontario Power Company to sell \$990,000
face amount of the \$1,980,000 refunding mortgage sinking fund gold bonds
therein authorized to be issued for not less than 87½ per cent of their face
value, to give net proceeds of at least \$866,250, which proceeds shall be used
solely for the purpose of retiring its outstanding two-year 6 per cent con-
vertible gold notes authorized to be issued by above mentioned order.

2. That in all other respects the terms and conditions of said order of
January 29, 1918, shall remain in full force and effect.

[Case No. 6652]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 3rd day
of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of HELEN E. HALL of the
incorporated village of North Collins, Erie county,
against THE NORTH COLLINS FUEL AND SUPPLY COM-
PANY as to failure to furnish natural gas.

After this complaint was served on the company and before answer was due,
complainant notified the Commission that the company had supplied her resi-
dence with natural gas as asked for; therefore it is .

Ordered: That this case is hereby closed on the records of the Commission
as satisfied.

[Case No. 6671]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of overcrowding of passenger buses of
WOODLAWN IMPROVEMENT ASSOCIATION TRANSPORTA-
TION CORPORATION in the city of Albany.

Order to
show cause.

The Commission having been informed through informal complaints by patrons and reports of its own inspectors that the Woodlawn Improvement Association Transportation Corporation is failing to provide adequate service for its patrons particularly by furnishing insufficient accommodation during the rush hours, it is

Ordered: That said Woodlawn Improvement Association Transportation Corporation be and is hereby ordered to show cause before this Commission, at its office, No. 58 North Pearl street, Albany, on the 10th day of December, 1918, at 2 o'clock, why it should not provide sufficient and adequate accommodation for its passengers.

[Case No. 6524]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the MALONE LIGHT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue common capital stock and mortgage bonds. Also supplemental petition.

Petition filed July 24, 1918; amended petition filed September 26, 1918; report of division of capitalization dated December 4, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Malone Light and Power Company is hereby authorized to issue \$65,000 face amount of its 6 per cent first refunding mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of July, 1914, given to the Northern New York Trust Company as trustee, to secure an authorized issue of bonds of a total face amount of \$750,000.

2. That said bonds of the total face amount of \$65,000 may be sold for not less than 97 per cent of their face amount to realize net proceeds of at least \$63,050.

3. That the proceeds of said bonds so authorized, which shall not be less than \$63,050, shall be applied solely and exclusively toward the discharge of

the following indebtedness outstanding at May 31, 1918, or the renewals thereof:

(a) Four-months note dated December 24, 1917, held by the Northern New York Trust Company.....	\$3,000.00
(b) Due officers and employees, representing advances, salaries, compensation, and accumulated dividends.....	55,401.21
(c) Miscellaneous accounts payable.....	5,579.75
(d) Balance due on Liberty Loan subscriptions.....	400.00
	<hr/>
	\$64,380.96

Amount unprovided for \$1,310.98

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Malone Light and Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That the Malone Light and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report shall show (a) what bonds have been sold during such period; (b) the dates of such sales; (c) to whom such bonds were sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) in detail the amount of the proceeds of the bonds herein authorized which have been expended during such period for each of the purposes specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or proceeds expended the report shall set forth such fact.

6. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and property of the petitioner herein shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary shall have been made, accepted by the corporation, and entered in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6534]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day
of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of ZERAH D. WESTBROOK
of Port Jervis *against* THE ORANGE COUNTY PUBLIC
SERVICE CORPORATION, asking that electric wires be
extended.

Zerah D. Westbrook having filed a complaint against The Orange County
Public Service Corporation for failure to make an electric service connection
with complainant's residence; and it appearing by the answer and the cor-
respondence in reference to the complaint that the company has agreed to
make the desired connection as soon as it can procure the necessary materials;
and the complainant having expressed himself as satisfied to wait until such
materials can be procured, it is

Ordered: That the case be closed upon the records of the Commission,
without prejudice to the right of the complainant to reopen the same in case
said connection is not made.

[Case No. 6596]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day of
December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of RAQUETTE LAKE RAILWAY COMPANY under
section 85, Railroad Law, for permission to cease
operation of its railway during the winter season.

On the facts found and for the reasons stated in the Opinion accompanying
this order, the application of the Raquette Lake Railway Company for per-
mission to cease operation of its railroad from November 1, 1918, to May 31,
1919, inclusive, and between the same dates in each year thereafter, is denied.

[Case No. 6661]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of December, 1918.

*Present:*CHARLES B. HILL, Chairman,
FRANK IRVINE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of THE NIAGARA FALLS POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$2,000,000 in bonds under the refunding and improvement mortgage of Hydraulic Power Company of Niagara Falls, constituent company.

Petition filed November 21, 1918; report of division of capitalization dated December 4, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Niagara Falls Power Company is hereby authorized to issue \$2,000,000 face amount of its 5 per cent thirty-five year refunding and improvement mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of October, 1916, executed by the Hydraulic Power Company of Niagara Falls and given to the Bankers Trust Company of Buffalo as trustee, to secure an authorized issue of bonds of a total face amount of \$10,000,000.

2. That said bonds of the total face amount of \$2,000,000 may be sold for not less than 85 per cent of their face value to realize net proceeds of at least \$1,700,000.

3. That the proceeds of said bonds so authorized, which shall not be less than \$1,700,000, shall be applied solely and exclusively toward the estimated cost after November 1, 1918, of the following additions and betterments:

(a) Construction channel from intake of the canal of petitioner at Port Day	\$120,000.00
(b) Improvements at and about Port Day.....	138,000.00
(c) Deepening and other improvements of the canal of your petitioner.	292,000.00
(d) Improvements in the basin of said hydraulic canal under force account contract with Read-Coddington Engineering Company.....	201,000.00
(e) Improvements in inlet forebay and gate house under arrangement with Read-Coddington Engineering Company.....	252,000.00
(f) Completion of new penstocks.....	816,000.00
(g) Construction of ice-run under arrangement with Empire Engineering Company, Inc.	25,000.00
(h) Extension of power house No. 3 and appurtenances, which work will be done by Empire Engineering Company, Inc., on cost plus basis.	889,000.00
(i) Hydraulic equipment as follows:	
1 83-hp. turbine purchased from Allis-Chalmers Co. contract price	\$192,000.00
2 33-hp. turbines under contract with I. P. Morris Co.	366,000.00
Cost of governor pumping system.....	6,000.00
	<hr/>
	\$564,000.00
Less amount paid on above hydraulic equipment prior to Nov. 1, 1918.....	162,000.00
	<hr/>
	402,000.00
(j) Engineering and superintendence.....	156,000.00
(k) Contingencies estimated on the basis of 5% of \$4,000,000 cost of all work	200,000.00
	<hr/>
	\$2,491,000.00
Amount to be taken from the assets in the treasury of the petitioner.	791,000.00
	<hr/>
	\$1,700,000.00

In so far as the same may be applicable, provided (1) that the proceeds of such bonds shall be applied toward the cost of new construction summarized

in subdivision (a) to (k) hereof only in so far as such new construction is a real increase in the fixed capital of the petitioner as defined in the Uniform System of Accounts for Electrical Corporations; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto no portion of the proceeds realized from the sale of such bonds over the actual costs thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in pages 8 to 10 inclusive of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by The Niagara Falls Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That the company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold during such period; (b) the dates of such sales; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount of the proceeds of the bonds herein authorized which has been expended during such period for each of the purposes specified herein and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or proceeds expended the report shall set forth such fact.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

556 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 3423]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF CORNING for an alteration of the railroad crossings of The New York Central and Hudson River Railroad Company at East Pulteney street and Ontario street, in the city of Corning, Steuben county, N. Y.

The common council of the City of Corning on November 4, 1918, adopted a resolution authorizing the withdrawal of the petition filed in this matter on February 10, 1913. Now therefore

Ordered: That this matter be and hereby is closed.

[Case No. 5584]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the FULTON LIGHT, HEAT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$150,000 common capital stock for reimbursement. Amendatory order.

Petition filed May 29, 1916; amended petition filed June 15, 1916; report of division of capitalization dated July 8, 1916; reports of division of light, heat, and power dated January 29, 1917, and February 7, 1918; final report of division of capitalization dated June 29, 1917; supplement to final report of division of capitalization dated February 25, 1918; amended petition dated November 26, 1918; report of division of capitalization dated December 5, 1918.

Whereas, The Fulton Light, Heat and Power Company had at May 29, 1916, expended for assets, including additions and betterments to its plant and property, upward of \$249,450 out of the proceeds of its then outstanding common and preferred capital stock, in addition to its investment from proceeds of its bonds then outstanding, and that in addition thereto it had expended from income between May 29, 1911, and May 29, 1916, the sum of \$15,141.97 for the same purpose, it is

Ordered: 1. That the authority granted the Fulton Light, Heat and Power Company by order dated April 4, 1918, permitting it to issue \$15,000 par value of its common capital stock is hereby canceled, and said order in so far as it relates to the issue of capital securities is vacated.

2. That the Fulton Light, Heat and Power Company is hereby authorized to issue \$20,000 face value of its 5 per cent thirty-year mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of April,

1902, given to the New York Trust Company as trustee, to secure an authorized issue of bonds of the total face value of \$500,000.

3. That said bonds of the total face value of \$20,000 may be sold for not less than 75 per cent of their face value to realize net proceeds of at least \$15,000.

4. That the proceeds of said bonds so authorized, which shall not be less than \$15,000, shall be used solely and exclusively for the following purpose: For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the period from May 29, 1911, to May 29, 1916, inclusive, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation, \$15,141.97.

5. That the Fulton Light, Heat and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report which shall show (a) what bonds have been sold during such period; (b) the dates of such sales; (c) to whom such bonds were sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) the amount of such bond proceeds used during such period for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold and the proceeds used in accordance with the authority contained herein, and if during any period no bonds were sold or proceeds used the report shall set forth such fact.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

7. That in all respects other than in the matter of issuing stock and accounting for the proceeds thereof said order dated April 4, 1918, entered in this proceeding shall remain in full force and effect.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6149]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARRITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of DUNKIRK STREET RAILWAY, leased to Buffalo and Lake Erie Traction Company and operated by the receiver of the traction company, under section 184 of the Railroad Law for approval of a declaration of abandonment of portions of the constructed route of said railway in the city of Dunkirk.

The Dunkirk Street Railway Company having made an application to this Commission by petition dated the 31st day of July, 1917, and by supplemental

petition dated the 16th day of April, 1918, for an approval of a declaration of abandonment of certain portions of its railroad therein described; and said application having come on to be heard before Commissioner Barhite in the city of Dunkirk, and at the office of the Commission in the city of Buffalo, at which time Messrs. Kenefick, Cooke, Mitchell and Bass appeared for the Dunkirk Street Railway Company; Lyman A. Kilburn, esq., appeared for the City of Dunkirk; and Thomas J. Cummings, esq., and G. W. Woodin, esq., appeared for the Merchants Exchange of Dunkirk and taxpayers generally, in opposition; and it appearing to the Commission that the deficit arising from the operation of the road amounts to more than fifteen thousand dollars per year,

Ordered: That the declarations of abandonment duly adopted by the board of directors and by the stockholders of the Dunkirk Street Railway Company on the 30th day of July, 1917, and on the 1st day of August, 1918, respectively, be and the same are hereby approved, upon the fulfillment of the conditions hereinafter provided.

Further Ordered: That the Dunkirk Street Railway Company shall give to the City of Dunkirk security to the effect that said railway company will pay to said city all taxes and assessments now due or to become due to said city from said company, said security to be approved as to its sufficiency by the common council of said city and as to form by the corporation counsel or other law officer of said city.

Further Ordered: That the receiver of the Buffalo and Lake Erie Traction Company may apply to the Supreme Court for permission to abandon that part of the road belonging to the Dunkirk Street Railway Company described in the petition of said company addressed to the Commission and dated July 31, 1917, and in the supplemental petition dated April 16, 1918, and that the usual notice of motion upon said application shall be given to the said City of Dunkirk.

Further Ordered: That when said road shall be abandoned said receiver may abandon the operation of cars thereupon, but shall not remove the tracks or other apparatus belonging to said road until the further order of this Commission.

Further Ordered: That this order shall only take effect upon filing with this Commission satisfactory proof that security has been given to the City of Dunkirk for the payment of any taxes or assessments due or to become due said city, and that the same has been approved as hereinbefore provided, and a certified copy of an order of the Supreme Court granted upon notice as hereinbefore provided.

Further Ordered: That the temporary receiver of the Buffalo and Lake Erie Traction Company, lessee of the Dunkirk Street Railway Company, shall within ten days after his receipt of this order notify the Commission whether the order is accepted and will be obeyed.

[Case No. 6364]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day of
December, 1918.

Present:

JES. R. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of jurisdiction of this Commission of Order to
HERMON TELEPHONE COMPANY. show cause.

The Hermon Telephone Company having admitted the jurisdiction of this Commission, and having filed its tariffs, it is

Ordered: That this case be and is hereby closed on the records of this Commission.

[Case No. 6414]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of GEORGE BULLOCK, AS RECEIVER BUFFALO AND LAKE ERIE TRACTION COMPANY'S railroad, for leave to abandon that portion of said company's railroad from a point in the village of Fredonia to the state line between New York and Pennsylvania.

The receiver of the Buffalo and Lake Erie Traction Company having made application to abandon that portion of the line of said railroad extending from a point in the village of Fredonia, at or near the junction of Main street and Temple street, to a point on the said line between the State of New York and the State of Pennsylvania; and the proceeding having come on to be heard before Chairman Hill and Commissioner Barhite at the office of the Commission in the city of Buffalo, New York, on the 8th day of October, 1918, at which time Messrs. Kenefick, Cooke, Mitchell and Bass appeared for the petitioner; L. L. Ottaway, esq., appeared for the Village of Westfield and the Town of Ripley; G. W. Woodin, esq., for the Dunkirk Merchants Exchange; Lyman A. Kilburn, esq., for the City of Dunkirk; O. A. Ottaway, esq., for the Village of Brocton and the Town of Portland; Robert Douglass, esq., supervisor, for the Town of Westfield; and James Prendergast, esq., Arthur Tennant, esq., and William Russell, esq., members of the town board of the Town of Westfield; and no evidence of a declaration of abandonment by the directors and stockholders of said road having been offered; and it appearing to this Commission that in the interest of the public the portion of said railroad described in said petition should not be abandoned,

Ordered: That the prayer of the petition in the above entitled proceeding be and the same is hereby denied, and permission is hereby refused for the privilege of abandoning that portion of the road of the Buffalo and Lake Erie Traction Company extending from the corner of Main and Temple streets, in the village of Fredonia, to the state line between the States of New York and Pennsylvania.

[Case No. 6435]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the TRUSTEES OF THE INCORPORATED VILLAGE OF FALCONER, Chautauqua county, against PENNSYLVANIA GAS COMPANY as to proposed discontinuance of furnishing natural gas in said village.

By order dated September 17, 1918, the Pennsylvania Gas Company is ordered to do and refrain from doing certain things in the business of fur-

nishing natural gas to the public. It subsequently filed a petition praying for reasons stated therein, that said order be rescinded, or if not rescinded that a rehearing be held. In the judgment of this Commission, there not being made to appear sufficient reason for rescinding said order or for a rehearing, it is

Ordered: That said application of Pennsylvania Gas Company for the rescinding of said order or for rehearing is hereby denied.

[Case No. 6536]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the VILLAGE OF MIDDLEPORT, Niagara county (by its president), HARRIET DELANO JUDSON, FRANK M. SMITH, THEODORE J. DOSCH, ALBERT E. SMITH, and CHARLES H. HAYNER *against* THE NEW YORK CENTRAL RAILROAD COMPANY as to a culvert in said village under said railroad.

Appearances: George D. Judson for complainants; Maurice C. Spratt for respondent.

The president of the Village of Middleport, Niagara county, and residents of said village having filed with this Commission a complaint against The New York Central Railroad Company, alleging that a culvert carrying said company's railroad over Middleport creek in said village is not wide enough nor high enough nor aligned in the right direction, and therefore is inadequate in ordinary flood times to carry off the waters of the creek, which overflow and flood portions of Main and Francis streets, lands of complainants, and basements of complainants' buildings; and copy of said complaint having been served on said company; and answer received from United States Railroad Administration, operating said railroad; and public hearings on said complaint having been held by Chairman Hill of this Commission in Middleport on September 27th and in Buffalo on November 16th, at which those named above appeared; now, after hearing evidence and arguments, and this Commission finding for reasons stated in its Opinion of this date that it has not jurisdiction to afford the relief prayed for, it is

Ordered: That this complaint is hereby dismissed for lack of jurisdiction.

[Case No. 6678]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
JOHN A. BARHITE,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the service furnished by the WESTERN UNION TELEGRAPH COMPANY.

Order to
show cause.

Information having been furnished to the Public Service Commission of the Second District of the State of New York that the Western Union Tele-

graph Company within the State of New York does not furnish and provide with respect to its business within said State such instrumentalities and facilities as shall be adequate and in all respects just and reasonable, and in particular that said telegraph company within said State refuses to deliver telegrams to persons to whom the same may be sent over the wires of said company at the place of business or address of said persons, and refuses to deliver said messages or a copy thereof except at an office of said company. Let the Western Union Telegraph Company show cause before the Public Service Commission of the Second District of the State of New York, at the office of the Commission, No. 58 North Pearl street, in the city of Albany, New York, on the 18th day of December, 1918, at 2 o'clock p. m., why it should not furnish and provide with respect to its business within the State of New York such instrumentalities and facilities as shall be adequate and in all respects just and reasonable, and in particular why it should not deliver telegrams to persons to whom the same may be sent at the place of business or address of said persons, and why it should refuse to deliver said telegrams or a copy thereof except at an office of said company.

[Case No. 4494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the VILLAGE OF GRANVILLE, Washington county, *against* THE DELAWARE AND HUDSON COMPANY, asking that a new passenger and freight station building be provided.

After due consideration it is

Ordered: That United States Railroad Administration, W. G. McAdoo, Director General of Railroads, A. H. Smith, Regional Director, is hereby joined as a respondent in the above proceeding.

[Case No. 6484]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of EUGENE COHN of New York city *against* NEW YORK TELEPHONE COMPANY as to disputed number of calls.

Appearances: Eugene Cohn, complainant; Paul H. Burns for respondent.

Eugene Cohn complained to this Commission, alleging that he is charged for more local telephone calls than he uses at his office, No. 32 Broadway,

New York city; that he desires to litigate the matter but that the company threatens to cut off the service unless he pays its bills; a public hearing on this complaint, after answer by the company, was held by Chairman Hill of this Commission in New York city on November 11, 1918, at which those named above appeared. Complainant reiterated that the object of this complaint was in the public interest; that the company should, where good faith is shown, be forbidden to cut off telephone service in the case of non-paid disputed bills, where the subscriber notifies it he intends to litigate the matter in the courts. At this hearing Mr. Burns for the company stated "All we ask the subscriber is to let us know what he intends to do. If the subscriber lets us know that he intends to bring suit, or wants to bring suit, and that he wants the allowance made, he gets it as a matter of right, not as of grace from us; he gets it as a matter of right." This statement, as shown by the balance of the record, refers to the company not cutting off service pending suit on disputed bills, and it seemed to be satisfactory to complainant; as it also applies to any other subscriber, the Commission does not feel justified, at least on its present knowledge, in ordering the company to embody it in a written rule. For these reasons it is

Ordered: That this case is hereby closed on the records of the Commission.

[Case No. 6533]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARRITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of THE EXPORT CORPORATION, LTD., of New York city *against* NEW YORK TELEPHONE COMPANY as to disputed number of calls.

Appearances: George W. Markens for complainant; Paul H. Burns for respondent.

The Export Corporation, Ltd., of New York city, complained to this Commission alleging that complainant is charged for more local telephone calls than it uses at its office, No. 29 Broadway, New York city; and alleging the belief that the overcharges are due to the company's method of keeping track of wrong number calls; that these overcharges will average 10 per cent of complainant's total monthly calls. Public hearings on this complaint, after answer by the company, were held by Chairman Hill of this Commission in New York city on November 11 and 25, 1918, at which those named above appeared. It appears that the complaint is really in the nature of a suggestion or demand that the telephone company can improve its service by installing a push button to record the credits just as they are at present resorting to a push button to charge the calls. It appears that the practice of the telephone company in charging to the calling customer his telephone calls on measured rate is to record the call after the communication has been consummated. If after that is done it turns out that the wrong number has been given, or that for any other reason an improper charge has been made, the operator credits the call back to the customer by writing with a pencil a credit slip which passes in due course to the accounting officer; and the complainant insists that a mechanical credit system would be more reliable than the present manual system. It appears in the previous cases of *Ostro vs. New York Telephone Co.* (Opinion No. 236), and *Tracey vs. New York Telephone Co.* (Opinion No. 317), that exhaustive investigations have

been made by the Commission on the subject of the accuracy attained in the practice by the telephone company in recording measured calls, and the Commission has satisfied itself that the errors do not exceed between one and two per cent. It should be borne in mind that these errors are not necessarily on the average all against the customer. It does not appear that the suggested alteration in method has ever been in use or that any one has invented such a method. The officials of the telephone company state that such a change would cost for the New York City system ten millions of dollars. It is clear that there is no system possible by which the personal equation would be entirely eliminated from the registering of these calls, and in view of what we may consider the established fact that the errors are less than 2 per cent, and even if we consider that the estimate of ten millions of dollars for making the suggested change is extravagant, the Commission does not feel justified in making such an order to the telephone company. For these reasons it is

Ordered: That this complaint is hereby dismissed.

[Case No. 6616]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of SAMUEL MILLER and INTERNATIONAL HOME BUILDING COMPANY, INC., against W. J. JUDGE (former Buffalo Gas Company), asking that mains be laid and gas supplied in Brunswick Boulevard in Buffalo.

Appearances: George P. Keating for complainants; Daniel J. Kenefick for respondent.

Samuel Miller and International Home Building Company, Inc., having filed with this Commission a complaint against W. J. Judge, who owns and operates in the city of Buffalo the gas properties and franchises of the former Buffalo Gas Company, asking this Commission to order said Judge to lay gas mains in Brunswick Boulevard, a public street in the city of Buffalo extending from Jefferson street to Lonsdale road, a distance of about 413 feet, and supply manufactured gas to residence now built on said street and other residences proposed to be built on the street; and said Judge having answered said complaint; and a public hearing in the matter, after answer by the company, having been held by Chairman Hill of this Commission in the city of Buffalo on November 30, 1918, at which those named above appeared; and it appearing that the respondent acknowledges the propriety of making the extension, and raises only the question of the reasonableness of the time within which it should be required to make it by reason of the difficulty it is experiencing in the market in purchasing the necessary pipe; now, after due consideration of the evidence, it is under subdivision 2, section 66, Public Service Commissions Law.

Ordered: That W. J. Judge, who owns and operates in the city of Buffalo the gas properties and franchises of the former Buffalo Gas Company, shall lay in Brunswick Boulevard, in the city of Buffalo, from Jefferson street to Lonsdale road, such gas main or mains as are necessary properly to supply the residences on said Brunswick Boulevard, present and future, with manufactured gas for domestic purposes; and shall lay the necessary residence

service pipes and make the necessary connections with the residences under the present regulations of said Judge as to similar residence connections from mains in Buffalo; and shall supply manufactured gas to such residences and the occupants thereof under the present regulations of said Judge as to supplying others in Buffalo with manufactured gas under similar circumstances; that the work and construction required by this order shall be begun by said Judge within thirty days after the service upon him or his agent of a certified copy of this order, and be completed within sixty days after such service of this order, subject to extension of time which may be granted by this Commission for good cause shown.

Further Ordered: Under section 23, Public Service Commissions Law, that said Judge shall within five days after the service upon him or his agent of a certified copy of this order notify this Commission whether the terms of this order are accepted and will be obeyed by him.

[Case No. 6618]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of F. R. MALONEY of Chase Mills, St. Lawrence county, *against* NORWOOD AND ST. LAWRENCE RAILROAD COMPANY as to increased freight rates. Also complaint of the company, in its answer, asking that the rates be sustained.

Appearances: George H. Bowers, Canton, N. Y., for the complainant; W. J. Fletcher, Norwood, N. Y., for the Norwood and St. Lawrence Railroad Company.

F. R. Maloney having filed a complaint against the local class rate tariff of the Norwood and St. Lawrence Railroad Company, which said complaint was served upon the railroad company; and the railroad company having answered the complaint; and hearing having been held thereon; and the Commission having found the facts as contained in an Opinion filed herewith, it is

Ordered: That the complaint herein be sustained; and the Norwood and St. Lawrence Railroad Company is hereby ordered and directed to refrain from charging or collecting for local freight between the various stations upon its said railroad any rates other than those contained in its tariff schedule P. S. C., 2 N. Y., No. 45, filed with this Commission May 10, 1918, effective June 10, 1918, until such time as other rates may be legally established.

Further Ordered: That the said Norwood and St. Lawrence Railroad Company shall within ten days after receipt by it of a copy of this order notify this Commission whether the terms of this order are accepted and will be obeyed.

[Case No. 2923]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 17th day
of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the TOWN BOARD OF
THE TOWN OF BROOKHAVEN, Suffolk county, for the
elimination of a crossing of the Long Island railroad
by the South Country Road state highway at Centre
Moriches, in said town.

The work covered by the Commission's determination in the above entitled
matter having been entirely completed in accordance with the requirements
of said determination and approved detail plans, to the satisfaction of this
Commission and of the Town of Brookhaven, it is

Ordered: That the completed work be and hereby is approved.

[Case No. 6593]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 17th day
of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of PATRONS OF SYRACUSE
NORTHERN ELECTRIC RAILWAY, INC., as to increased
passenger fares.

O. J. Ruessow and other patrons of the Syracuse Northern Electric Rail-
way, Inc., filed a complaint under section 49, subdivision 1, Public Service
Commissions Law, against the increased passenger fares put into effect Sep-
tember 23, 1918, under tariff filed with the Public Service Commission, Second
District; and the company was required to answer the said complaint; and
a hearing was appointed thereon on the 1st day of November, 1918, at Syra-
cuse, N. Y., of which hearing the said complainants received due notice. At
the hearing none of the said complainants appeared, and the matter was held
open. Communications have been sent to the said O. J. Ruessow, as chairman
of the complainants, asking if they desired to further prosecute the complaint,
but no reply has been received to said communications. It is therefore

Ordered: That this case be closed upon the records of the Commission,
without prejudice to the right of the complainants to reopen the same in case
they so desire.

566 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6618]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of FLORI BUSCHINI under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of White Plains, it being proposed that the route shall also be operated to the incorporated village of Pleasantville, Westchester county.

By order dated November 19, 1918, the petition in this matter was denied. Flori Buschini, the petitioner, subsequently filed a petition praying, for reasons stated, that a rehearing be held. In the judgment of this Commission, there not appearing sufficient reason for a rehearing, it is

Ordered: That said petition for rehearing is hereby denied.

[Case No. 6646]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of ADIRONDACK ELECTRIC POWER CORPORATION under section 68, Public Service Commissions Law, for permission to construct an electric plant in the town of Verona, Oneida county, and for approval of the exercise of a franchise therefor received from the town.

The Adirondack Electric Power Corporation having filed its petition with this Commission asking for the approval of franchise heretofore granted to it by the town board of the Town of Verona, Oneida county, New York, and that it may be permitted and authorized to begin construction of an electric system in the said town of Verona; and the application having come on to be heard before the Commission at its office in the city of Albany on the 10th day of December, 1918; and due proof of publication of the pendency of this application having been filed; and the petitioner having appeared by Elmer J. West, its vice-president; and it appearing that the certificate of incorporation of the Oneida Light and Power Company, incorporated September 17, 1897, included the right to do business in the town of Verona; and that the Madison County Gas and Electric Company acquired all of the property and franchises of the Oneida Light and Power Company in the year 1902; and that the Adirondack Electric Power Corporation acquired all the property and franchises of the Madison County Gas and Electric Company in the year 1912; and it further appearing that the Town of Verona granted a franchise on the 28th day of May, 1918, to William V. Cottman, to use the highways

in the lighting district established in said town located at Verona Beach, and to maintain electric light poles and other apparatus in said lighting district for the purpose of conducting an electric light business; and this Commission by an order dated the 1st day of August, 1918, having approved said franchise and authorized the said William V. Cottman to begin the construction and complete and maintain electric light poles and other apparatus in the said lighting district; and the said Adirondack Electric Power Corporation having agreed before the Commission that the order approving said franchise should be limited to its exercise in the remaining portion of said town of Verona; and this Commission having determined after due hearing that the construction of the plant of the said petitioner and the exercise of the right, privilege, and franchise granted said petitioner by the authorities of said town of Verona, Oneida county, in the portion of the said town hereinafter mentioned are necessary and convenient for the public service, it is

Ordered: That the franchise granted to the Adirondack Electric Power Corporation by the authorities of the Town of Verona, Oneida county, New York, on the 4th day of October, 1918, be and the same is hereby approved; and the said Adirondack Electric Power Corporation be and the same is hereby authorized and permitted to begin construction and complete and maintain its electric lights, poles, conduits, and other apparatus in that portion of the town of Verona, Oneida county, New York, hereinafter mentioned, and to exercise the rights and privileges granted to it by the authorities of the said Town of Verona pursuant to said franchise granted on the 4th day of October, 1918, in that portion of the town of Verona described as follows: All that part of the town of Verona, Oneida county, New York, consisting of the lighting district heretofore laid out in the said town, embracing what is known as the village of Durhamville and such other portions of the said town as may hereafter establish lighting districts, except however the lighting district heretofore established at Verona Beach; and such other highways as may be necessary to conduct electricity from the city of Oneida to such lighting districts, it being understood that permission is not hereby granted to construct or maintain an electric lighting system or to exercise the said franchise in that portion of said town mentioned in the said franchise granted to the said William V. Cottman. It is further

Ordered: That said company shall not enter upon or construct any works in or upon any state or county highway which has been or may be improved under the provisions of the Highway Law of the State of New York except upon the approval of and under such conditions and regulations as may be prescribed by the State Commission of Highways.

[Case No. 6669]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of WILLIAM HIRSCHMAN of Buffalo against A. S. BURLESON, Postmaster General, and NEW YORK TELEPHONE COMPANY as to installation charge and other charges to complainant for telephone service in Buffalo.

After copy of this complaint was served on the company and before expiration of time for answer and hearing, complainant informed the Commission

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that the complaint had been satisfactorily adjusted and asked leave to withdraw it. Therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 6687]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaints by W. RUTGER, J. PLANTEN, and others *against* GEORGE JUENGST AND SONS.

Order to
show cause.

There have been complaints regarding service, charges, and practices, and the Commission has endeavored to secure proper disposition of them without resorting to formal proceedings. This effort has continued during a considerable period through letters, inspections, and personal interviews. It has been difficult to obtain replies to letters, promises of action have not been fulfilled, and there has seemed to be a general spirit of indifference to the Commission and to the consumers. It is therefore

Ordered: That George Juengst and Sons be and they hereby are ordered to appear before this Commission, at 58 North Pearl street, Albany, N. Y., on December 26, 1918, at 2:30 p. m., and show cause why they should not be summarily ordered to do such things as may appear to be just and reasonable and as will satisfy the complaints herein.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY and the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON for the elimination of Mt. Vernon Avenue, Oak Street, and Fleetwood Avenue grade crossings of the New York and Harlem railroad in the city of Mount Vernon.

Ordered: That a third intermediate accounting and settlement of expenses incurred by The New York Central Railroad Company, the City of Mount Vernon, and the State of New York on account of work performed under order of this Commission in the matter above entitled, be entered into by the interested parties, said accounting to include interest to January 1, 1919.

[Case No. 2923]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the TOWN BOARD OF THE TOWN OF BROOKHAVEN, Suffolk county, for the elimination of a crossing of the Long Island railroad by the South Country Road state highway at Centre Moriches, in said town.

An order having been made on January 29, 1918, directing an intermediate accounting and settlement of expenses, to include expenditures to January 1, 1918, and said accounting not having been had on account of failure of the railroad company to comply with said order; and the work of construction being now complete, therefore

Ordered: That the order of this Commission dated January 29, 1918, directing an intermediate accounting, be and hereby is rescinded.

[Case No. 5825]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of LOUIS P. FUHRMANN, individually and as mayor of the City of Buffalo, against INTERNATIONAL RAILWAY COMPANY as to passenger fares in Buffalo.

Appearances: William S. Rann, George E. Pierce, Andrew Ronan, for the City of Buffalo; Henry W. Killeen for International Railway Company.

This complaint, dated December 12, 1916, was filed with this Commission on December 14, 1916. It alleged that the International Railway Company charges five cents fare for adults and three cents for children, and that these rates are unreasonable, and asked this Commission to investigate the matter and fix reasonable rates. Rule 3 of the Rules of Practice of the Commission provides in respect to such a complaint as this that "upon the presentation of a complaint the charges in which are of such a nature as to admit of satisfaction under the provisions of subdivision 2, section 48 of the Public Service Commissions Law, an order will be made and served with a copy of the complaint on the person or corporation complained against, requiring that the matters complained of be satisfied, or that the charges be answered in writing within twenty days from the day of the service of the order." In this case, however, it appeared that the complaint involved a serious question of law, particularly in respect to the provisions of what is known as the Milburn Agreement between the city and the International Railway Company; and instead of serving the complaint on the company under said rule the Commis-

sion suggested to the city that in the interest of saving time it and the company could, perhaps, agree upon a statement which might be submitted to the courts and a determination of the legal question reached before this Commission should proceed with the complaint. After correspondence and a conference between the Commission and representatives of the city and the company, this suggestion was followed, and the company commenced an action in the Supreme Court to restrain the city from prosecuting the complaint, and issue was joined by the interposition of a demurrer by the city; this action was not pressed, and with a letter dated September 14, 1918, from the attorney for the company, there was transmitted to this Commission an answer to the complaint, alleging that the fares were unreasonable and asking the Commission to fix higher rates of fare: said letter stating that the company was about to apply for a discontinuance of the action in the Supreme Court. The answer was returned to the company by the Commission, with a letter dated September 18, 1918, stating that inasmuch as the complaint had never been served on the company with instructions to answer, under the rule quoted above, there was no reason why the company should file an answer. Subsequently, the company moved the Commission for an order directing that the answer be filed, and such motion was heard by the Commission at its office in Albany on September 26, 1918, those named above appearing, and at which there was filed a certified copy of the order of the court discontinuing the said action of the company against the city; there being also filed with the Commission on the same date a certified copy of preambles and resolution adopted by the council of the City of Buffalo and signed by the mayor, as follows:

"Whereas, on the first day of November, 1916, the Council, by Resolution No. 56, Council Proceedings 1916, page 2286, adopted the following:

That the recommendation made by the Corporation Counsel on September 6, 1916 (No. 137, pp. 1802 and 1803), that a proceeding be begun before the Public Service Commission for the purpose of securing a reduction of fares charged and collected by the International Railway Company in the city of Buffalo, to such a point as the evidence presented to the commission may warrant, be and the same is hereby adopted; that the mayor be and he is hereby requested to file the necessary complaint with the Public Service Commission; that the corporation counsel be and he is hereby directed to prepare such complaint for the mayor's consideration and convenience, and that the corporation counsel be and he is hereby authorized to make such arrangements and incur such liabilities and expenses as may be necessary in such proceeding, provided that no liability or expense exceeding in the aggregate \$10,000 in addition to that incurred in the defense of the proceeding for a reduction of its special franchise assessment for 1916 be incurred without a report to the Council showing the necessity for such additional liability or expense.

and

Whereas, pursuant to the authority granted in the foregoing resolution the mayor did on or about the 12th day of December, 1916, verify and thereafter file with the Public Service Commission, Second District, of the State of New York, a formal complaint; and

Whereas, at the suggestion of the Public Service Commission the prosecution of said complaint was suspended and delayed pending the determination of certain legal questions which would be necessarily involved in a hearing upon said complaint; and

Whereas, the International Railway Company did shortly thereafter commence an action in the Supreme Court asking for an injunction restraining the defendant city from expending any money or in any way prosecuting the complaint made by it to the Public Service Commission; the defendant interposed a demurrer, and the issues thereby raised were finally disposed of on September 23, 1918, by an order granted by Special Term of the Supreme Court discontinuing the action upon the application of the International Railway Company; and

Whereas, due to the request of the Public Service Commission that certain legal questions be disposed of before commencing any rate investigation or in any way prosecuting the complaint theretofore filed by the mayor of the City of Buffalo, neither the complaint nor a copy thereof was served upon the International Railway Company with any order or request that it answer the same; and

Whereas, due to conditions existing by reason of the war now in progress it is deemed inadvisable, inexpedient, and improper for both business and patriotic reasons to prosecute this complaint at this time; therefore

Resolved, that the complaint heretofore verified by the mayor on the 12th day of December, 1916, and filed with the Public Service Commission on the 14th day of December, 1916, be and the same hereby is withdrawn, and the action of the Council, taken November 1, 1916, directing the mayor to file a complaint is hereby rescinded."

And the complainant made a motion which was opposed by the defendant, that it be allowed to withdraw its complaint, the two motions being heard together and treated as one. Subsequently, a further hearing on both motions was held by Chairman Hill in the city of Buffalo on November 9, 1918, and the following additional documents were received in evidence on the part of the company in support of its motion and in opposition to the motion of the city:

1. Certificate of incorporation of Niagara Street Railroad Company, filed August 10, 1859.
2. Certificate of incorporation of Buffalo Street Railroad Company, filed April 3, 1860.
3. Certificate extending corporate existence of Buffalo Street Railway Company, filed December 1, 1890.
4. Certificate of incorporation of West Side Street Railway Company, filed August 13, 1887.
5. Certificate of incorporation of The Buffalo Railway Company, filed December 10, 1890.
6. Certificates of mergers of Buffalo Street Railroad Company, Buffalo East Side Street Railway Company, and West Side Street Railway Company, with Buffalo Railway Company, filed January 30, 1891.
7. Certificate of incorporation of Crosstown Street Railway Company of Buffalo, filed February 5, 1890.
8. Chapter 479 of the laws of 1866.
9. Chapter 131 of the laws of 1867.
10. Chapter 322 of the laws of 1868.
11. Chapter 774 of the laws of 1870.
12. Chapter 886 of the laws of 1871.
13. Chapter 870 of the laws of 1872.
14. Chapter 512 of the laws of 1873.
15. Chapter 144 of the laws of 1879.
16. Chapter 204 of the laws of 1882.
17. Chapter 240 of the laws of 1874.
18. Chapter 151 of the laws of 1892.
19. The Milburn Agreement, so called, being a contract between the City of Buffalo, The Buffalo Railway Company, the West Side Street Railway Company, and the Crosstown Street Railway Company, which contract is dated January 1, 1892.

And also resolutions of the common council and the city council of the City of Buffalo granting or relating to consents to operate and lay down street railways in said city, as follows:

20. Proceedings of December 26, 1905 (C. C. P. 2838, etc.).
21. Proceedings of February 3, 1906 (Park Commissioners).
22. Proceedings of February 23, 1892 (C. C. P. 273).
23. Proceedings of March 2, 1892 (C. C. P. 331).
24. Proceedings of December 23, 1895 (C. C. P. 2274, etc.).
25. Proceedings of July 18 and 27, 1895 (C. C. P. 1204 and 1248 respectively).
26. Proceedings of December 26, 1899 (C. C. P. 1856).
27. Proceedings of March 20, 1907 (C. C. P. 628).
28. Proceedings of July 20, 1914 (C. C. P. 1873).
29. Proceedings of September 14, 1914 (C. C. P. 1589).
30. Proceedings of October 11, 1916 (C. C. P. 2087).
31. Proceedings of October 4, 1916 (C. C. P. 1991).
32. Proceedings of May 25, 1914 (C. C. P. 1874).
33. Proceedings of November 29, 1915 (C. C. P. 2902).
34. Proceedings of July 21, 1913 (C. C. P. 2454).
35. Proceedings of July 11, 1892 (C. C. P. 1229).
36. Proceedings of July 26, 1892 (C. C. P. 1319).
37. Proceedings of August 1, 1892 (C. C. P. 1381).
38. Proceedings of September 26, 1892 (C. C. P. 1608).
39. Proceedings of May 15, 1893 (C. C. P. 731).
40. Proceedings of May 24, 1893 (C. C. P. 812).
41. Proceedings of June 4, 1894 (C. C. P. 982).
42. Proceedings of September 4, 1894 (C. C. P. 1422).
43. Proceedings of June 10, 1895 (C. C. P. 1019).
44. Proceedings of November 24, 1897 (C. C. P. 1976, 1980, 1982, 1985, 2081-2006).

45. Proceedings of March 29, 1897 (C. C. P. 540).
46. Proceedings of July 28, 1897 (C. C. P. 1375, 1376, 1377).
47. Proceedings of November 15, 1897 (C. C. P. 1841).
48. Proceedings of November 28, 1898 (C. C. P. 1784).
49. Proceedings of December 12, 1898 (C. C. P. 1854).

And the following additional documents were received in evidence on the part of the city in support of its motion and in opposition to the motion of the railway company:

1. Original franchise to Buffalo Traction Company.
2. Amendment of Buffalo Traction Company Grant (Common Council Proceedings, pages 1204 to 1244).
3. Acceptance by Railway Companies of changes in Buffalo Traction Company Grant.
4. Further Amendment to Buffalo Traction Company Grants (Common Council Proceedings of 1899, p. 1856).
5. The Buffalo Traction Company Acceptance of Amendment to Grant.
6. Joint Agreement for Consolidation International Railway Company.
7. Certificate of Merger of Crosstown Street Railway Company of Buffalo with the International Railway Company.

It was stipulated in open Commission by counsel for the respective parties that the actual filing of the documentary evidence received herein be waived, and that in any legal action or proceeding upon or by reason of this order the aforesaid documents need not be returned by the Commission, but either party hereto shall be at liberty to use or print in any such action or proceeding the whole or any part of any thereof. Now, upon reading and filing the complaint and the proposed answer and the documentary evidence above mentioned, and after hearing Mr. Henry W. Killeen of counsel for the International Railway Company in favor of an order that the proposed answer of said company be received and filed, and in opposition to a discontinuance or withdrawal of the complaint; and Mr. George E. Pierce of counsel for the complainant in opposition to such answer being received and filed and in favor of an order discontinuing and allowing the withdrawal of the complaint; and after due deliberation had, it is

Ordered: That the motion of the International Railway Company for an order directing the answer to be filed be and the same is hereby denied, and that the motion on behalf of the complainant that it be allowed to withdraw and discontinue its complaint be and the same is hereby granted, and that said complaint be and the same is discontinued and this case closed on the records of the Commission. And it is further

Ordered: That this order is made as a matter of law and not as a matter of discretion, upon the ground that in view of the terms of the several consents and grants of said city to said company or its predecessors in interest, and the several agreements between said city and said company or its predecessors in interest hereinbefore recited, the Public Service Commission has no jurisdiction to fix or determine a rate of fare to be charged for the transportation of passengers within the city of Buffalo in excess of the sum of five cents.

[Case No. 6363]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of jurisdiction of this Commission of
PHELPS MUTUAL TELEPHONE COMPANY.

Order to
show cause.

The respondent having acknowledged the jurisdiction of the Commission and presented for filing its tariffs, it is

Ordered: That the case be and it hereby is closed upon the records of the Commission.

[Case No. 6446]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of the COMMITTEE ON RAILROADS OF THE COMMON COUNCIL OF SCHENECTADY against SCHENECTADY RAILWAY COMPANY as to service rendered the public.

A hearing in the above entitled proceeding having been set at the office of the Commission for the 7th day of November, 1918; and due notice of said hearing having been given to Mr. Casper Dobrocinski, chairman of the committee on railroads of the common council of the City of Schenectady, New York, and to the general manager of the Schenectady Railway Company; and at the time of said hearing said railway company having been represented by its attorney, and no one having appeared on behalf of the committee on railroads of the common council of the City of Schenectady; and said matter having been held open by the Commission; and the chairman of said committee on railroads of the common council of the City of Schenectady having been thereafter notified by the Secretary of this Commission that said matter was held open and asked if the complainants desired to proceed with the matter, to which notice no reply was made; and the attention of said chairman having again been called to the letter previously sent and no reply having been made, it is

Ordered: That the above entitled proceeding be and the same is hereby closed upon the books of this Commission, with the privilege to the committee on railroads of the common council of the City of Schenectady to have said case reopened if they shall make application to this Commission.

[Case No. 6520]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

Petition of THE WESTCHESTER STREET RAILROAD COMPANY under section 184, Railroad Law, for approval of a declaration of abandonment of a portion of the constructed route.

Appearances: Eugene F. McKinley, attorney The Westchester Street Railroad Company; William R. Condit, corporation counsel City of White Plains;

Frank D. Briggs, attorney Town of Greenburgh; Joseph B. Thompson, attorney Town of Greenburgh; David Tepp, attorney Village of Elmsford; J. L. Suydam, attorney Village of Tarrytown; Frank R. Pierson, president Village of Tarrytown; Gerald Fitzgerald, trustee Village of Tarrytown.

The Westchester Street Railroad Company having filed with this Commission a petition under section 184 of the Railroad Law for approval of a declaration of abandonment of that portion of the constructed route of its railroad "beginning at the corner of Cortlandt and Main streets in the village of Tarrytown, and extending east and upon and along Main street and Neperhan avenue or road, to Altamont avenue, a private street shown on the map of property formerly of A. E. Bliss and others; also commencing on the west-erly side of Rose Hill avenue at the intersection of said Altamont avenue and said Rose Hill avenue, thence southerly along Rose Hill avenue to Benedict avenue; thence easterly upon and along Benedict avenue to the east line of said village of Tarrytown, dividing the village of Tarrytown from the town of Greenburgh; thence still continuing easterly upon said Benedict avenue and along and upon the Tarrytown road in the said town of Greenburgh in an easterly direction to the easterly boundary line of the town of Greenburgh and the city of White Plains, formerly village of White Plains, including the portion of said Tarrytown road in the village of Elmsford". And a public hearing on said petition, after due notice, having been held by Chairman Hill of this Commission in the city of New York on September 9, 1918, at which Eugene F. McKinley appeared for the petitioner, and the other appearances were in opposition; and the company having subsequently filed with this Commission a letter, as follows: "The Westchester Street Railroad Com-pany does hereby withdraw its application for abandonment of the line extending from the city of White Plains, N. Y., to the New York Central tracks in the village of Tarrytown, N. Y., which proceeding is designated as No. 6520 in the records of your Commission"; it is

Ordered: That said petition is hereby permitted to be withdrawn and this case is hereby closed on the records of the Commission.

[Case No. 6550]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of tariff proposing increased passenger fares filed by FISHKILL ELECTRIC RAILWAY COMPANY as its P. S. C., 2 N. Y., No. 3.

The Fishkill Electric Railway Company having on December 3, 1918, filed with this Commission a tariff schedule to become effective January 6, 1919, stating proposed new cash passenger fares and proposed changes in limits of zones within which fares are to apply, and designated "Fishkill Electric Railway Company, P. S. C., 2 N. Y., No. 3"; and it appearing that by said tariff P. S. C., 2 N. Y., No. 3, charges for the transportation of passengers over the lines of said company's railroad would in certain instances be increased; and a complaint against the said transportation charges having been filed with this Commission by patrons of said company's passenger cars; and this Commission being of the opinion, because of such complaint, that it should enter upon a hearing concerning the propriety of the proposed increased fares or charges and changes in zone limits, and that pending hearing and decision the said schedule should be suspended, it is

Ordered: That the use and operation of said tariff schedule of said Fishkill Electric Railway Company known as Local Tariff P. S. C., 2 N. Y., No. 3, is hereby suspended for thirty days, to wit, from and including January 6, 1919, until and including February 4, 1919; and the putting into effect of the fares, charges, regulations, and practices stated therein is hereby deferred for the same period unless this Commission in the meantime vacates, supersedes, or modifies this order.

Further Ordered: That a copy of this order be filed with the copy of the said Fishkill Electric Railway Company's tariff P. S. C., 2 N. Y., No. 3, now on file with this Commission, and that said company shall publish, post, and file a supplement to said tariff giving due notice of this suspension.

Further Ordered: That a public hearing in respect to said passenger fares and changes in zone limits as stated in the said tariff P. S. C., 2 N. Y., No. 3, be held by this Commission in the assembly hall of the Mase Hook and Ladder Company's house in the city of Beacon, N. Y., on Wednesday, January 8, 1919, at 2 o'clock p. m.

[Case No. 6641]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of UNITED STATES RAILROAD ADMINISTRATION, NEW YORK CENTRAL RAILROAD, under section 54, Railroad Law, for discontinuance of less than carload freight handling at North Weedsport, Cayuga county, main line station.

The United States Railroad Administration having made application to this Commission for consent to the discontinuance of handling less than carload lots of freight at the freight station on the main line of the New York Central railroad at North Weedsport, said business to be handled at the Weedsport station on the West Shore railroad; and The New York Central Railroad Company having become a party to this proceeding at the request of the sitting Commissioner; and said application, after due notice thereof, having come on to be heard before Commissioner Barhite at the city of Rochester, New York, on the 22nd day of November, 1918, at which time Daniel M. Beach, esq., appeared as attorney for the petitioner, and no one appeared to oppose. And it appearing to the Commission from the evidence in the case that the handling of freight in less than carload lots may be discontinued at the main line station of the New York Central railroad at North Weedsport, and that said class of freight may be satisfactorily handled at the Weedsport station of the West Shore railroad without serious inconvenience to the public,

Ordered: That The New York Central Railroad Company be and it is hereby permitted to discontinue handling freight in less than carload lots at its station at North Weedsport, and that said freight may be handled upon the lines of the West Shore railroad at Weedsport on said line.

[Case No. 6670]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of UNITED STATES RAILROAD ADMINISTRATION, NEW YORK CENTRAL RAILROAD, under section 53, Public Service Commissions Law, for approval of the exercise of two franchises from the City of Dunkirk to construct two sidetracks at grade across the Middle Road highway in said city.

Appearance: Maurice C. Spratt for petition.

A petition under section 53, Public Service Commissions Law, having been filed with this Commission by United States Railroad Administration, New York Central Railroad, for approval of the exercise of two franchises received by The New York Central Railroad Company from the City of Dunkirk, permitting the construction at grade of two additional tracks of said company's railroad across the Middle Road highway in said city; and a public hearing on said petition, after due notice, having been held by Chairman Hill of this Commission in the City of Buffalo on December 7, 1918, at which Maurice C. Spratt appeared for the petition, and no one else appeared; and it appearing that there are now five tracks at grade across the Middle Road highway; and it appearing that in the said franchises these tracks are to be used solely for switching purposes; and it appearing from the evidence at the hearing that their construction and use for switching purposes will relieve main tracks from switching now done over them at this crossing; and this Commission hereby determining from the papers and oral evidence at the hearing that the exercise of said franchises are necessary and convenient for the public service under the conditions hereinafter named, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves the exercise by United States Railroad Administration, New York Central Railroad, of two franchises: one granted May 21, 1918, and the other granted October 1, 1918, by the City of Dunkirk to The New York Central Railroad Company, copies of which, certified by the city clerk to be true copies, are filed with the papers in this case, permitting the construction at grade of two additional tracks of said company's railroad across the Middle Road highway in said city: one of the new tracks to be located parallel, near to, and north of the existing tracks, and the other to be located parallel, near to, and south of the existing tracks, on condition that said new tracks shall be used solely for switching purposes; and on condition that United States Railroad Administration and The New York Central Railroad Company shall comply with all of the conditions named in said franchises, particularly that condition which provides that crossing gates shall be constructed to protect travelers on the highway approaching all of the tracks across said Middle Road highway, and shall be operated daily between 6 a. m. and 12 midnight.

[Case No. 6007]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
Commissioners.

In the matter of the Joint Petition of NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY and SALMON RIVER POWER COMPANY under section 69 of the Public Service Commissions Law as to the Niagara company issuing \$1,482,128 in notes or debentures, and as to the Salmon River company issuing \$546,000 in refunding notes; under section 70 of the Public Service Commissions Law as to Niagara company acquiring capital stock, said refunding notes, and other notes of Salmon River company.

Petition filed April 25, 1917; first amendatory petition filed October 13, 1917; report of division of capitalization dated October 17, 1917; order entered October 23, 1917; second amendatory petition filed January 15, 1918; report of division of capitalization dated January 23, 1918; hearing held January 24, 1918; order entered January 29, 1918; second amendatory petition filed November 26, 1918; order entered December 3, 1918; third amendatory petition filed December 20, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Niagara, Lockport and Ontario Power Company is hereby authorized to execute and deliver to The Equitable Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, an indenture dated the 22nd day of December, 1918, supplementing and modifying the indenture, deed of trust, or mortgage dated January 31, 1918, heretofore placed upon all its plant and property to secure an issue of refunding mortgage sinking fund gold bonds to the aggregate amount of \$15,000,000 face value, bearing interest at the rate of 6 per cent per annum, a copy of which supplemental indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved.

2. That upon the execution and the delivery of said supplemental indenture, the form of which is approved, there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

3. That the authority contained in this order to execute and deliver this supplemental indenture is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petitions of THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA, Erie county; and the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SLOAN, Erie county, for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

The portion of the work having to do with the construction of the bridge over the tracks of the Delaware, Lackawanna and Western railroad, the Erie railroad, and the Lehigh Valley railroad, and the approaches thereto, on the line of Harlem avenue, covered by the Commission's determination dated March 30, 1916, having been completed in accordance with the requirements of said determination and approved detail plans to the satisfaction of this Commission, the Town of Cheektowaga, and the Village of Sloan, it is

Ordered: That such completed work be and hereby is approved.

[Case No. 3276]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the WYANTSKILL HYDRO-ELECTRIC COMPANY pursuant to the provisions of section 69 of the Public Service Commissions Law for authority to increase its capital stock and issue bonds.

Petition filed November 23, 1912; order entered November 26, 1912; order entered January 14, 1913; supplemental petition filed February 1, 1913; order entered December 9, 1913; second supplemental petition filed December 17, 1918; report of division of capitalization dated December 23, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Wyantskill Hydro-Electric Company is hereby authorized to execute and deliver to the Troy Trust Company as trustee, a corporation organized and existing under the laws of the State

of New York, a certain indenture extending the term of its mortgage dated January 1, 1914, securing a total issue of bonds in the face amount of \$50,000, which mortgage matures January 1, 1919, for a further term of five years from January 1, 1919, thereby postponing the maturity thereof to January 1, 1924; a copy of which indenture of extension has been filed with the Commission herein.

2. That upon the execution and delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit of the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

3. That in all other respects, and particularly as to the issuance of bonds to be secured by said mortgage indenture dated January 1, 1914, orders heretofore entered by this Commission in this proceeding shall remain in full force and effect except as to the postponement for five years of the maturity of the \$7500 face amount of bonds hereinbefore authorized to be issued.

[Case No. 3777]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the Matter of the Approval of Electric Meters.

By orders dated July 3, 1913, March 25, 1914, and Nov. 25, 1914, this Commission approved certain types of watt-hour meters for use in the Second Public Service District of the State of New York. Now, the Duncan Model M-2 meter has since been tested in accordance with the Rules and Regulations Governing Acceptance Tests of Direct Current and Single-phase Induction Watt-hour Meters adopted by this Commission, and has been found to come within its requirements; and the Westinghouse Type OA-C, and the Sangamo Type H-1 meters have been examined and subjected to certain tests and found to be substantially equivalent in design, construction, and performance to the Westinghouse Type OA and Sangamo Type H meters, respectively, which have heretofore been approved. It is therefore

Ordered: That the Commission hereby approves the type of watt-hour meters described herein for use in the Second Public Service District of the State of New York, to wit:

Single-phase Meters:

Duncan Electric Manufacturing Company: Induction Meter, Model M-2.

Westinghouse Electric & Manufacturing Company: Induction Meter, Type OA-C.

Sangamo Electric Company: Induction Meter, Type H-1. Provided that the manufacturer's type designation given herein shall be understood to apply only to meters conforming in design and construction to the following general descriptions:

Duncan Model M-2:

Circuit: Two shunt coils wound with enameled wire. One series coil. Series and shunt coil mounted on separate laminations.

Frame: Castiron, nickel plated. Carries all elements of the meter.

Back: Castiron.

Cover: Non-magnetic material, with dial and testing window. Rim is fitted with felt. Held in place by two removable studs.

Connections: Contained under separate seal. Bottom entrance.

Register: Four dials read in "Kilowatt Hours". "Kilowatt Hours" marked under dials.

Drag Magnets: One oval shaped, permanent magnet, rigidly supported on meter frame.

Disc: Stippled aluminum, flat disc, $3\frac{1}{2}$ inches in diameter.

Full Load Adjustment: Air gap in permanent magnet shunted by circular disc of soft steel which is moved up or down by means of a screw.

Light Load Adjustment: Consists of an "8" shaped copper loop, surrounding the poles of the shunt coils. Is moved horizontally and parallel to back of meter by means of a micrometer screw.

Lag Adjustment: Consists of an "8" shaped copper loop, surrounding the poles of the shunt coils. Is moved up or down by means of two small projecting arms.

Bearings: Lower bearing consists of a cupped jewel mounted without a spring in a brass screw, and a removable steel pivot. Upper bearing consists of a phosphor bronze pin, flexibly supported in a brass stud, and projecting into top of shaft.

Anti-creep Device: Two diametrically opposite holes in disc.

Locking Device: None.

Rotation: Right.

Dimensions: $8" \times 5\frac{3}{4}"$, $4\frac{3}{4}"$ deep (5 ampere size).

Westinghouse Type OA-C:

Circuits: One shunt coil wound with enameled wire. Two hand wound series coils: Series and shunt coils mounted on same punchings.

Frame: Castiron, nickel plated. Carries all elements of meter.

Back: Castiron.

Cover: Pressed zinc, with dial and testing windows. Rim is fitted with felt. Slips over two studs and fastens with wing nuts. (Meters may be had with moulded glass covers.)

Connections: Under separate seal. Top or bottom entrance.

Register: Four dials read in "Kilowatt Hours". "Kilowatt Hours" marked under dials.

Drag Magnets: Two magnets mounted on brass bracket riveted to punched steel yoke.

Disc: Flat aluminum, about 4" in diameter.

Full Load Adjustment: Steel yoke on magnets is arranged to slide back and forth in grooves in frame. Two screws on either side to bind yoke. Micrometer movement of the yoke is obtained by means of two screws.

Light Load Adjustment: Two metal loops, one located in each of the leakage gaps, each varied in position independent of the other by means of two screws.

Lag Adjustment: Fixed punched metal frame around the projecting pole of the shunt magnet.

Bearings: Upper end of shaft is provided with a small recess, in the bottom of which is a small pad of billiard cloth soaked in oil which lubricates a small spindle which enters top of shaft. Lower bearing consists of a steel ball between two cup jewels.

Anti-creep Device: Two small holes near periphery of disc.

Locking Device: None.

Rotation: Right.

Dimensions: 9" circular wall space, $5\frac{3}{4}"$ deep.

Sangamo Type H-1:

Circuits: One shunt coil wound with enameled wire. Two form wound series coils. Series and shunt coils mounted on separate cores. End of shunt

core butts against series core. A third core, acting as a return circuit, is mounted above series poles and partly surrounds shunt pole.

Frame: Castiron. Carries all elements except shunt and series cores which are supported to back of meter.

Back: Castiron.

Cover: Thin pressed aluminum, with dial and testing windows. (Moulded glass covers may be had.) Slips over two studs and fastens with wing nuts.

Connections: Under separate seal. Bottom entrance.

Register: Four dials read in "Kilowatt Hours". Total capacity of each marked directly over each. "Kilowatt Hours" marked under dials.

Drag Magnets: Two, without keepers.

Disc: Flat aluminum, corrugated, about $3\frac{1}{2}$ " in diameter.

Full Load Adjustment: Air gap in permanent magnet shunted by circular disc which is moved up and down by means of a screw.

Light Load Adjustment: Short circuit loop in air gap between shunt and series poles, moved by means of micrometer screw.

Lag Adjustment: Wound coil on end of shunt pole with ends brought out and soldered after adjustment.

Bearing: Top bearing consists of a piano wire projecting from upper end of shaft and which enters brass bearing screw fitted with a guard shell. Lower bearing is a standard sapphire cup jewel mounted in a screw and polished, rounded conical pivot. Pivot is double ended and may be reversed.

Anti-creep Device: Two slots, diametrically opposite and near periphery of disc.

Locking Device: None.

Rotation: Left.

Dimensions: $7\frac{1}{2}$ " circular wall space, 6" deep.

[Case No. 3915]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the HORNELL ELECTRIC COMPANY under section 69 of the Public Service Commissions Law to issue a mortgage for \$400,000, and an equal amount of 5 per cent thirty-year gold bonds.

Third
amendatory
order.

Petition filed October 20, 1913; hearing held November 5, 1913; order entered November 11, 1913; amendatory order entered December 2, 1913; report of division of light, heat, and power dated December 15, 1913; supplemental order entered December 16, 1913; reports of division of capitalization dated February 24, 1914, and April 21, 1915; supplemental petition filed November 17, 1917; reports of division of capitalization dated November 30, 1917, and January 21, 1918; second supplemental petition filed December 14, 1918; report of division of capitalization dated December 23, 1918. Now therefore, upon the foregoing record,

Ordered: That the authorization of this Commission under the order entered herein on the 25th day of January, 1918, to pledge all or any part of \$35,000 face amount of its 5 per cent thirty-year first and refunding mortgage sinking fund gold bonds heretofore authorized to be issued as collateral security for its short-term loans, is hereby extended for a period of one year from the 25th day of January, 1919, subject to the prohibitions and other conditions contained in said order of January 25, 1918.

[Case No. 6217]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of schedules filed with this Commission August 7, 1918, by GEORGE BULLOCK, RECEIVER, BUFFALO AND LAKE ERIE TRACTION COMPANY, proposing increases in passenger fares to become effective September 8, 1918, etc.

Fourth
suspension
order.

The consideration of the matters involved in this case not having been concluded it is

Ordered: 1. That the operation of the fare schedules of George Bullock, Receiver, Buffalo and Lake Erie Traction Company, designated as follows: Passenger tariffs P. S. C., 2 N. Y., Nos. A-141 and A-142; supplement No. 1 to passenger tariff P. S. C., 2 N. Y., No. A-120; and supplement No. 8 to passenger tariff P. S. C., 2 N. Y., No. A-60, be and they are hereby further suspended from and including January 5, 1919, to and including February 4, 1919, and that the use of the fares, charges, regulations, and practices stated therein be and they are hereby deferred for the same period unless this Commission in the meantime vacates, supersedes, or modifies this order.

2. That a copy of this order be filed with this Commission's copies of said passenger tariffs and supplements to passenger tariffs, and that said receiver shall publish, post, and file appropriate supplements as required by Rule 33(i) of this Commission's Circular No. 68.

[Case No. 6524]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of MALONE LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue common capital stock and mortgage bonds. Also supplemental petition.

Amendatory
order.

Petition filed July 24, 1918; amended petition filed September 26, 1918; report of division of capitalization dated December 4, 1918; order entered December 5, 1918; second amended petition (letter) filed December 19, 1918; report of division of capitalization dated December 20, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order entered herein under date of December 5, 1918, is hereby modified and amended in such manner as to permit the Malone Light and Power Company to sell the \$65,000 face amount of its 6 per cent first refunding mortgage bonds therein authorized to be issued for not less than 95 per cent of their face value to give net proceeds

of at least \$61,750, which proceeds shall be used solely for the purposes set forth in said order of December 5, 1918.

2. That in all other respects the terms and conditions of said order of December 5, 1918, shall remain in full force and effect.

[Case No. 6583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of the passenger tariff filed by the SCHE-
NECTADY RAILWAY COMPANY, designated as its P. S.
C., 2 N. Y., No. 22, proposing increased fares, rates,
charges, etc.

Fourth
suspension
order.

The consideration of this matter not having been concluded it is

Ordered: 1. That the operation of the fare schedule of the Schenectady Railway Company designated as its local passenger tariff P. S. C., 2 N. Y., No. 22, be and it is hereby further suspended from and including December 31, 1918, to and including January 30, 1919, and that the use of the fares, charges, regulations, and practices stated therein be and they are hereby deferred for the same period unless this Commission in the meantime vacates, supersedes, or modifies this order.

2. That a copy of this order be filed with the Commission's copy of said Schenectady Railway Company passenger tariff P. S. C., 2 N. Y., No. 22, and that said company shall publish, post, and file a supplement to said tariff giving notice of this further suspension as required by Rule 33(i) of this Commission's Circular No. 68.

[Case No. 6651]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

Petition of WESTCHESTER MOTOR TRANSFER COMPANY,
INC., under chapter 667, laws of 1915, for a certificate
of public convenience and necessity for the operation
of a stage route by auto buses in the city of White
Plains, it being also proposed that the route shall be
operated to the incorporated village of Hastings-on-
Hudson.

Appearances: Joseph L. Glover for petitioner; Eugene F. McKinley for
The Westchester Street Railroad Company.

A petition having been filed with this Commission by Westchester Motor
Transfer Company, Inc., under chapter 667, laws of 1915, for a certificate of

public convenience and necessity for the operation of a stage route by auto buses in the city of White Plains on a route hereinafter named, it being proposed that the route shall also be operated to the incorporated village of Hastings-on-Hudson; and its appearing that said petitioner has received the consent of said city to such operation; and a public hearing on said petition having been held by Chairman Hill of this Commission in the city of New York on December 9, 1918, those named above appearing; and this Commission concluding from the evidence that public convenience and necessity require the operation of this stage route in the city of White Plains as a part of said route outside of the city, hereby certifies that public convenience and necessity require the operation by Westchester Motor Transfer Company, Inc., of a stage route to be operated by auto buses, and to carry passengers and parcels, in the city of White Plains, from the corner of Main street and William street in the said city of White Plains, northwesterly along the line of William street to Hamilton avenue; thence westerly along the line of Hamilton avenue to Central avenue; and thence northwesterly along the line of Central avenue to the westerly line of the city of White Plains; said buses not to take on or deliver passengers from any point in the city to any other point in the city. This certificate is granted subject to ordinances of the City of White Plains relating to the operation of stage routes, and to the provisions of all statutes and requirements of the State of New York applicable to the operation of stage routes, and is not assignable without the consent of this Commission.

[Case No. 6699]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of discontinuance of operation of city line cars of FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY in the city of Amsterdam.

Order to
show cause.

This Commission being informed from an advertisement in the *Amsterdam Evening Recorder* newspaper of December 20, 1918, bearing the signature of J. Ledlie Hees, President, Fonda, Johnstown and Gloversville Railroad Company, that said company proposed to "discontinue, effective Saturday, December 21, 1918, the operation of city line cars"; and it appearing to this Commission that said company is thus failing or omitting, or about to fail or omit, to do a thing required of it by section 26, Public Service Commissions Law, to wit, the furnishing of "such service and facilities as shall be . . . adequate and in all respects just and reasonable," it is

Ordered: That said Fonda, Johnstown and Gloversville Railroad Company shall show cause before this Commission, at its office No. 58, North Pearl street, in the city of Albany, on Tuesday, December 31, 1918, at 3 o'clock p. m., why this Commission should not direct counsel to commence an action in the Supreme Court for the purpose of having such violation or threatened violation of law stopped and prevented, or why this Commission should not itself take such action as it may be advised to prevent violation of law on the part of said Fonda, Johnstown and Gloversville Railroad Company.

[Case No. 6700]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of December, 1918.

Present:

CHARLES B. HILL, Chairman.
FRANK IRVINE,
JEROME L. CHENEY,
Commissioners.

In the matter of rate schedules filed by GLEN TELEPHONE COMPANY proposed to be effective January 1, 1919. A. S. Burleson, Postmaster General.

Appearances: Wesley H. Maider for complainants; Fred Linus Carroll for Glen Telephone Company.

Glen Telephone Company having filed with this Commission, by special permission, rate schedules hereinafter described, proposed to be effective January 1, 1919; and complaints relating to what are known as the Gloversville and the Johnstown areas having been received as to increases in rates thereby proposed; and it appearing that the rates affecting the Gloversville and Johnstown areas have been the subject of adjudication by this Commission by orders of this Commission of December 30, 1915, and March 1, 1916, in cases Nos. 4176 and 4184; and a hearing on said objections having been held by this Commission in the city of Albany on December 27, 1918, at which those named above appeared; and it appearing that under the specific wording of section 97 of the Public Service Commissions Law this Commission may consent that the increases in rates proposed may be made; and counsel for the company stating at the hearing that if the rates proposed are found, after investigation, to be unreasonable, the company will refund the difference to subscribers, and will also assume the burden of proof as to the reasonableness of said rates in any proceeding thereon; now, after hearing counsel and after due consideration had, and the Commission finding that it should properly allow to take effect January 1st the increases proposed under the conditions hereinafter named, without however determining at this time that said rates are just and reasonable, it is

Ordered: That Glen Telephone Company may, under the notice already given, put in effect in its Gloversville and Johnstown areas January 1, 1919, the rates, rentals, charges, rules, privileges, and facilities shown by its local general tariffs designated as Fifth Revision of P. S. C., N. Y., No. 8, and Fourth Revision of P. S. C., N. Y., No. 9, applying to Gloversville and Johnstown Central office districts respectively, and which are now filed with this Commission, on the following conditions: That said rates, rentals, charges, rules, privileges, and facilities shall be the subject of investigation and determination by this Commission either in pending cases Nos. 6689, 6690, and 6691, or other proceeding, and that in such proceeding or proceedings the burden of showing said rates, rentals, charges, rules, privileges, and facilities to be reasonable and otherwise in accord with law shall be upon Glen Telephone Company; and that until said investigation shall be completed and determination made by order of this Commission, said Glen Telephone Company shall furnish bills to its subscribers for the service in the Gloversville and Johnstown areas, upon all of which bills, beginning with those rendered for January, 1919, shall be printed, stamped, or otherwise permanently indicated the promise of Glen Telephone Company to refund to the subscriber paying such bill the amount paid in excess of the rate or rates hereafter determined by this Commission, by order, to be reasonable.

586 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 1932]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of LEHIGH VALLEY RAILROAD COMPANY *against* INTERNATIONAL RAILWAY COMPANY. Petition of INTERNATIONAL RAILWAY COMPANY for rehearing and modification of order.

The Commission's order herein made January 14, 1913, was unanimously confirmed by the Appellate Division, Third Department, December 28, 1917. The International Railway Company moved in the Appellate Division for leave to appeal to the Court of Appeals, but its motion was denied May 8, 1918. The company then made a motion in the Court of Appeals for leave to appeal to that court, but that motion was denied October 8, 1918. This application to the Commission, by petition verified December 28, 1918, and filed December 30, 1918, prays for a rehearing in the proceeding, and for an order of the Commission staying the enforcement of the order made January 14, 1913, until a determination by the Commission of the questions to be presented at the rehearing. After a consideration of all the matters alleged in the petition, and after due deliberation, the Commission is unanimously of the opinion that public safety requires the installation of the interlocking plant in accordance with the Commission's order without further delay; and it is therefore

Ordered: That the petition of the International Railway Company, verified December 28, 1918, and filed December 30, 1918, is dismissed.

[Case No. 2586]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF KINGSTON for the elimination of the grade steam railroad crossing at Broadway, in said city.

The mayor and common council of the City of Kingston having filed a petition in the above entitled matter on November 2, 1911, on which no action was taken since no funds for the elimination of crossings were available; and the said petitioners having subsequently filed another petition for the elimination of the same crossing, under date of February 13, 1917, now therefore

Ordered: That the above entitled matter be and hereby is closed.

[Case No. 5806]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of COHOES POWER AND LIGHT CORPORATION, COHOES COMPANY, and COHOES GAS LIGHT COMPANY under section 70 of the Public Service Commissions Law for consent to the transfer of the plants, property, and franchises of the second and third named companies to the first named company; the Cohoes Power and Light Corporation asking in this petition, under section 69, Public Service Commissions Law, authority to make a first mortgage for \$5,000,000, to issue now \$2,500,000 of 5 per cent 30-year gold bonds to be secured by said mortgage, and to issue now \$2,500,000 common capital stock of the \$5,000,000 named in its certificate of incorporation.

Petition filed December 4, 1916; appraisal of physical property, etc., of Cohoes Gas Light Company as of April 30, 1916, filed December 11, 1916; condensed summary of fixed capital expenditures and valuation of land and water rights as of September 30, 1916, of Cohoes Company, filed December 11, 1916; hearing held July 10, 1918; reports of division of capitalization dated May 28, 1917, and July 3, 1918; reports of division of light, heat, and power dated July 19, 1917, and May 1, 1918; order entered September 19, 1918; form of mortgage filed December 24, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clause No. 3 of the order entered herein under date of September 19, 1918, is hereby amended to read as follows: "That the Cohoes Power and Light Corporation is hereby authorized to issue its bonds under this indenture up to an amount not exceeding \$2,500,000, said bonds to be known as Series A bonds, bearing date January 1, 1918, running for ten years from January 1, 1919, and bearing interest at not more than 6 per cent per annum; provided that no bonds shall be issued until the mortgage securing said bonds shall have been presented to and approved by the Commission as provided for in ordering clause 2 herein."

2. That the form and terms of a certain indenture, deed of trust, or mortgage upon all its plant and property dated January 1, 1918, which the Cohoes Power and Light Corporation proposes to execute and deliver to the Central Union Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a copy of which indenture was filed herein under date of December 24, 1918, are hereby approved.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission, and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

588 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5968]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint under section 71, Public Service Commissions Law, of the TRUSTEES OF THE VILLAGE OF HAMBURG, Erie county, *against* INTER-VILLAGE ELECTRIC CORPORATION as to price charged the public for electricity in said village.

Amendatory
order.

This Commission having heretofore and on the 18th day of July, 1917, made an order wherein and whereby the schedule of rates for furnishing light, heat, and power to the Village of Hamburg and its citizens, filed with this Commission by the Inter-Village Electric Corporation on the 29th day of January, 1917, was approved as the lawful rates which might be charged by said Inter-Village Electric Corporation to said Village of Hamburg and its citizens for electricity for light, heat, and power from and including the 1st day of June, 1917, to and including the 31st day of May, 1918, and thereafter until this Commission should, upon its own motion or upon the complaint of any corporation, person, or municipality interested, fix a higher or lower maximum price for electricity to be hereafter charged; and said Inter-Village Electric Corporation having on the 19th day of December, 1918, filed a modification of its schedules theretofore in force, to become effective February 1, 1919, and the village board of Hamburg, New York, having by its stipulation in writing filed with this Commission consented to the changes in rates contained in said schedules to become effective February 1, 1919; and said Inter-Village Electric Corporation having made petition to this Commission for permission and authority to make said proposed changes in its rate schedules to become effective February 1, 1919, it is

Ordered: That the order heretofore made by this Commission on the 18th day of July, 1917, in the above entitled case, be and the same is hereby modified and amended so as to provide that the schedule of rates filed by the Inter-Village Electric Corporation on the 19th day of December, 1918, to become effective February 1, 1919, shall be the lawful rates which shall be charged by said Inter-Village Electric Corporation to said Village of Hamburg and its citizens for electricity for light, heat, and power from and including the 1st day of February, 1919, until this Commission shall upon its own motion or upon the complaint of any corporation, person, or municipality interested, fix a higher or lower maximum price for electricity to be thereafter charged. All other provisions of said order of July 18, 1917, remain in full force and effect.

[Case No. 6041]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of CHARLES L. POWELL
under section 53, Public Service Commissions Law, for
permission to construct in the town of Victor, Ontario
county, a single track siding to connect with the
Auburn branch of the New York Central railroad;
and for approval of the exercise of franchises and
right to cross a highway.

This Commission having heretofore and on the 3rd day of July, 1917,
granted an order permitting Charles L. Powell to construct and maintain a
railroad switch and siding across the highway in the town of Victor, county
of Ontario, New York, known as the Powell Road, from the Auburn branch
of the New York Central railroad to said Powell's place of business in said
town of Victor, upon certain terms and conditions therein stated; and said
switch not having been constructed pursuant to the permission of this Com-
mission; and said Powell having consented that the order heretofore made
by this Commission may be vacated upon condition that the matter may be
taken up later when conditions will permit of the installation of said switch,
it is

Ordered: That the order heretofore made on the 3rd day of July, 1917, by
this Commission in the above entitled proceeding, be and the same is hereby
vacated, with permission to the petitioner, Charles L. Powell, to take up the
matter of the construction of said switch with this Commission when condi-
tions will permit the installation of the same.

[Case No. 6074]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of AUBURN AND SYRACUSE ELECTRIC RAILROAD
COMPANY under subdivision 1, section 49, Public
Service Commissions Law, for permission to increase
passenger fares.

Appearances: Ernest I. Edgcomb, Syracuse, N. Y., for the petitioner;
Richard C. S. Drummond, Auburn, N. Y., and Mark I. Koon, mayor, for the
City of Auburn.

The Auburn and Syracuse Electric Railroad Company having presented
its complaint, alleging that the rates, fares, and charges charged by it are

insufficient to yield a reasonable compensation for the service rendered, and are unjust and unreasonably low, and do not allow sufficient average return upon the value of the property actually used in the public service, after providing for surplus and contingencies, and asking that the Commission determine the just and reasonable rates, fares, and charges to be thereafter observed and in force as the maximum to be charged for the service to be performed by it in the city of Auburn; and the municipal authorities of the City of Auburn having duly waived the provisions of all franchises under which the said company is operated, restricting or regulating the rates of fare; and a public hearing on said petition having been held by this Commission, those above named appearing; and this Commission having determined from the evidence, and being of the opinion for the reasons stated in the Opinion of the Commission filed herewith, that the rates, fares, and charges charged by said railroad company for the transportation of persons and property within the city of Auburn are insufficient to yield reasonable compensation for the service rendered, and are unjust and unreasonable, and that the rates, fares, and charges hereinafter mentioned are just and reasonable; it is

Ordered: That the maximum fare which may be charged for the carriage of passengers by the Auburn and Syracuse Electric Railroad Company in the city of Auburn and the Auburn zone, including the lines to Owasco Lake and to Soule Cemetery, shall be at the rate of 6 cents per passenger.

Further Ordered: That a tariff schedule in accordance with the above rates may be filed with this Commission, in accordance with the provisions of the Public Service Commissions Law, on five days' notice, and bear the following notation: "Issued on five days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date of December 31, 1918." [Case No. 6074.]

Further Ordered: That the fares so fixed shall remain in force and effect only during the period of the present war and until the general treaty of peace shall be signed and become effective and for a reasonable time thereafter, at which time this determination and order may be reopened when it may appear to this Commission that the reasons for permitting the company to charge the increased fare no longer exist.

[Case No. 6285]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Petition of the ROCHESTER RAILWAY AND LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$4,000,000 in preferred capital stock.

Petition filed December 11, 1917; hearing held February 23, 1918; report of division of capitalization dated March 1, 1918; order entered March 12, 1918; supplemental petitions filed May 28, and August 6 and 20, 1918; report of division of capitalization dated August 26, 1918; order entered August 27, 1918; report of division of capitalization dated December 27, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That solely for the purpose of defraying the cost of additions and betterments to its plant and property, as set forth in a report of this Commission's division of capitalization dated December 27, 1918, the Rochester Railway and Light Company is authorized to use \$168,030.91 out of the \$283,913 which was required to be reserved in a separate fund, for the purpose of defraying such costs by order of this Commission entered in this proceeding under date of August 27, 1918.

2. That in all other respects orders previously entered in this proceeding remain in full force and effect, and that this order shall constitute no authority for the use of any of said reserved proceeds beyond the amount of \$168,030.91, the use of which is herein specifically authorized.

[Case No. 6327]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of Complaints against THE LONG ISLAND RAILROAD COMPANY as to discontinuance of receipt of less than carload shipments at its Bushwick station, Brooklyn.

This Commission having heretofore and on the 23rd day of May, 1918, made its order wherein and whereby the petitions in the above entitled matter were dismissed and the case closed on the books of the Commission, with leave to the petitioners to reopen the same when the condition of the labor market becomes such as to warrant such procedure; and Messrs. Charles Schaefer & Son having communicated with this Commission to the effect that there is now a surplus of labor, and that the service demanded in the original petition be installed,

Ordered: That the above entitled case be and the same is hereby reopened, and that a further hearing be had.

[Case No. 6425]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition of THE LONG ISLAND RAILROAD COMPANY under section 54, Railroad Law, for consent to the discontinuance of its Clear Stream station, Nassau county.

Whereas, this Commission entered an order in the above matter May 16, 1918, on which a petition for a rehearing dated May 23, 1918, has been filed

for the residents of Clear Stream by their representative, Hoxie W. Smith; and it appearing upon examination of said petition that all matters referred to were carefully considered by this Commission in its decision of this case, it is therefore

Ordered: That said petition of the residents of Clear Stream dated May 23, 1918, for a rehearing, be and hereby is denied.

[Case No. 6457]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Joint Petition of WARWICK VALLEY LIGHT AND POWER COMPANY AND ORANGE AND ROCKLAND ELECTRIC COMPANY under subdivision 3, section 61, Transportation Corporations Law, and section 70, Public Service Commissions Law, for consent that Orange and Rockland Electric Company may merge with itself Warwick Valley Light and Power Company.

Petition filed May 28, 1918; report of field examination of division of capitalization dated August 27, 1918; report of division of light, heat, and power dated November 22, 1918; final report of division of capitalization dated December 24, 1918. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated December 24, 1918, a copy of which shall be served upon the Warwick Valley Light and Power Company, such entries being listed in pages 7 to 9 inclusive thereof, shall be entered upon the books of the Warwick Valley Light and Power Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Orange and Rockland Electric Company is hereby authorized to merge into itself the Warwick Valley Light and Power Company, provided that there shall be stamped or inscribed upon each of the certificates of capital stock of the latter company, all of which is owned by the Orange and Rockland Electric Company, a legend setting forth that said corporation has been merged by the Orange and Rockland Electric Company as herein authorized, and that satisfactory proof of such stamping or inscribing said stock certificates shall be submitted to this Commission.

3. That upon the merger of the Warwick Valley Light and Power Company with the Orange and Rockland Electric Company all the property of the former shall be entered upon the books of the Orange and Rockland Electric Company at the values shown for such property as of December 31, 1917, in the reports of the Commission's divisions as summarized in the final report of the division of capitalization dated December 24, 1918, except as the same may be modified by any subsequent duly authorized business transactions of the Warwick Valley Light and Power Company between that date and the actual date of said merger.

4. That the permission and approval of this Commission are hereby given to the Orange and Rockland Electric Company to exercise all the rights,

privileges, and franchises now held and enjoyed by the Warwick Valley Light and Power Company.

5. That within thirty days after the merger herein authorized shall have become effective, detailed statements, duly verified by the secretary or other executive officer of the Orange and Rockland Electric Company, shall be filed with the Commission, which shall include (a) the exact date of such merger; (b) details of the changes in the accounts of the Warwick Valley Light and Power Company in so far as they record the changes in its property, assets, and liabilities from December 31, 1917, to the date of the transfer of its accounts to the Orange and Rockland Electric Company; (c) detailed balance sheet of the Warwick Valley Light and Power Company as of the date when the transfer of its property to the Orange and Rockland Electric Company is recorded in the accounts of the latter company; (d) particulars of the journal entries made upon the books of the Orange and Rockland Electric Company reflecting the merger herein authorized; (e) detailed balance sheet of the Orange and Rockland Electric Company as of such date.

6. That the Orange and Rockland Electric Company shall within a reasonable time after the consummation of the merger approved in this order, file with the Commission all such annual or other periodic reports, either for itself or for the Warwick Valley Light and Power Company, as the Commission may be required by law to obtain, or which it is empowered by law to exact and shall require, concerning the operations and financial or corporate transactions during the period subsequent to the date of such report last filed and prior to the effective date for accounting purposes of the merger hereby approved.

7. The authority contained in this order is also upon the express condition that the petitioner, the Orange and Rockland Electric Company, accepts and agrees to comply in good faith with any and all orders heretofore made by this Commission affecting rates and service charged or to be rendered by the Warwick Valley Light and Power Company.

8. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no merger shall be consummated nor shall any such merger be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

9. That the authority contained in this order to merge is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and within thirty days of the service hereof the companies shall advise the Commission whether or not they accept the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

594 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6551]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of O. W. BODLER of Pittsford, Monroe county, *against* NEW YORK STATE RAILWAYS as to collection of excess fare when paid on train; also as to absence of outgoing Rochester transfer coupon from commutation books.

The complainant in the above entitled case having made complaint to this Commission that the New York State Railways makes a charge of ten cents excess fare to passengers who enter the cars of the company at Long Meadow station on the Rochester and Eastern line of said railway, and that transfers from the Rochester city lines of the company are not issued to passengers outgoing upon said Rochester and Eastern line upon presentation of coupons from commutation books; and the case having been brought on for hearing before Commissioner Barhite at the city of Rochester, New York, at which time complainant appeared by Walter M. Glass, esq., his attorney, and the New York State Railways by D. M. Beach, esq., its attorney; and since said hearing representatives of the complaint and of the New York State Railways having held a conference with the sitting Commissioner, and it having been agreed that the complaint would be withdrawn provided the company will issue a mileage book which may be sold at a price not to exceed two dollars, and which may be purchased at the regular agency stations of the company and from conductors on the trains, it is

Ordered: That the New York State Railways shall issue for use upon its Rochester and Eastern line a mileage book which may be sold for a price not exceeding two dollars, and shall entitle a passenger to transportation at the regular rates of fare and shall be good for use by any person and for any length of time until the mileage shall be exhausted. Said book shall be sold at the regular agency stations of the company upon said line and by the conductors upon the trains.

Further Ordered: That the New York State Railways shall amend its published and filed schedules to conform to the terms of this order, such amendments to take effect upon ten days' notice.

Further Ordered: That the New York State Railways shall within ten days after its receipt of a copy of this order notify the Commission whether the terms of the order are accepted and will be obeyed.

Further Ordered: That when the provisions of this order are carried out by the New York State Railways the case shall be closed on the books of the Commission.

[Case No. 6601]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

Petition, or complaint, of SOUTHERN NEW YORK POWER AND RAILWAY CORPORATION under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares except in the city of Oneonta.

Appearances: N. P. Willis, Cooperstown, N. Y., for petitioner.

The Southern New York Power and Railway Corporation having presented its complaint alleging that the rates, fares, and charges charged by it for the carriage of passengers are insufficient to yield a reasonable compensation for the service rendered, and are unjust and unreasonably low, and do not allow sufficient average return upon the value of the property actually used in the public service after providing for surplus and contingencies, and asking that the Commission determine the just and reasonable rates, fares, and charges to be thereafter observed and in force as the maximum to be charged for the passenger service to be performed by it; and a public hearing on said petition having been held by this Commission, Mr. N. P. Willis appearing as attorney for the petitioner; and this Commission having determined upon the evidence, and being of opinion for the reasons stated in an Opinion of the Commission filed herewith that the rates, fares, and charges charged by said railroad company for the transportation of persons are insufficient to yield reasonable compensation for the service rendered, and are unjust and unreasonable, and that the rates, fares, and charges hereinafter mentioned are just and reasonable, it is

Ordered: That the maximum fare which may be charged for the carriage of passengers by the Southern New York Power and Railway Corporation outside of the city of Oneonta shall be at the rate of 4 cents per mile for cash and ticket fares, and 3½ cents per mile for mileage book rate, but no change shall be made in the present schedule of fare in force in the city of Oneonta. And it is

Further Ordered: That a tariff schedule in accordance with the above rates may be filed with this Commission in accordance with the provisions of the Public Service Commissions Law on five days' notice, and bear the following notation: "Issued on five days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date of December 31, 1918. Case No. 6601."

Further Ordered: That this determination and order may be reopened at any time if and when it may appear to this Commission that the reasons for permitting the company to charge the increased fare no longer exist.

596 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6649]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of the Complaint of WELLCOME A. LUCE, JACOB RANBUSS, and WILLIAM LEGG *against* W. J. JUDGE, asking that gas mains be laid and gas supplied to their residences in Mendola Place, Buffalo, N. Y.

Appearances: W. S. Riselay for respondent.

In this matter, respondent in his answer alleged that the gas mains would be laid, but that it would be impossible to do the work until sufficient four-inch pipe was received to make other extensions authorized by him prior to this one. At a public hearing on this complaint, held by Chairman Hill of this Commission in the city of Buffalo on December 21, 1918, W. S. Riselay, representing respondent, stated that the work of laying these mains was then actually being done, and that gas would be supplied these complainants' residences before Christmas. Therefore it is

Ordered: That this complaint is hereby closed on the records of this Commission as satisfied, subject to application for its reopening for cause shown.

[Case No. 6679]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1918.

Present:

CHARLES B. HILL, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
THOMAS F. FENNELL,
JEROME L. CHENEY,
Commissioners.

In the matter of service rendered the public by DUNDEE
ELECTRIC LIGHTING PLANT.

This case in effect presents two complaints: one by patrons of the Dundee Electric Lighting Plant, that service had become irregular and was frequently discontinued altogether; the other on behalf of the company, asserting that it was unable to obtain water for its boilers and therefore had to curtail its service. There is no municipal water supply in Dundee. The company has been compelled to rely upon its own well, and upon The New York Central Railroad Company which has in the past sold it water from the railroad's own supply. At the time the complaint arose, the well had failed, and the railroad company, asserting that it had not sufficient water for its own use, declined to supply the lighting plant. Since this, the company has made improvements in respect of its own wells and apparently it is able to supply regular service. It is therefore

Ordered: That the case be and the same hereby is closed on the records of the Commission.

Special Permission Tariffs, December, 1918.

No. 7129; December 2, 1918; R. N. Collyer, Agent:

Ordered: That under application therefor dated November 29, 1918, R. N. Collyer, agent, duly appointed by carriers not under federal control to file Official Classification, be and is hereby authorized to file, as to New York intrastate traffic, as occasion may require and on statutory notice, supplements to his tariff P. S. C., 2 N. Y., O. C. No. 44, regardless of the provisions of Rule 9 (e) of Circular No. 68, so far as volume of matter is concerned; such supplements may include additions to, changes in, or eliminations from the list of participating carriers as may be necessary. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as herein provided.

Completed by supplement No. 29 to P. S. C. O. C. No. 44, effective January 28, 1919.

No. 7130; December 3, 1918; Peekskill Lighting and Railroad Company:

Ordered: That on its application therefor dated December 2, 1918, the Peekskill Lighting and Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 5, changing the matter shown under caption "Passenger Fares" on page 2 of said tariff to read: "Between any two stops within a specified zone the fare will be six cents." This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 5, effective December 6, 1918.

No. 7131; December 3, 1918; Putnam and Westchester Traction Company:

Ordered: That under its application therefor dated December 2, 1918, the Putnam and Westchester Traction Company be and it is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 3, changing the matter shown under caption "Passenger Fares" on page 2 of said tariff to read: "Between any two stops within a specified zone the fare will be seven cents." This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 3, effective December 6, 1918.

No. 7132; December 3, 1918; Hudson River and Eastern Traction Company:

Ordered: That under its application therefor dated December 2, 1918, the Hudson River and Eastern Traction Company be and it is hereby authorized to make effective without notice a rate of fare of seven cents per passenger upon said company's lines in the village of Ossining, N. Y., for a period ending December 17, 1918, and to file a copy of this special permission as an amendment to its passenger tariff P. S. C., 2 N. Y., No. 4.

Completed by schedule filed December 3, 1918.

No. 7133; December 7, 1918; International Railway Company:

Ordered: That under its application therefor dated December 5, 1918, the International Railway Company be and is hereby authorized to file, on not less than ten days' notice to the public and the Commission and effective not later than December 30, 1918, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 194, filed to take effect December 30, 1918, and provide therein for a round-trip ticket fare of 25 cents to apply between Tonawanda, N. Y., and

Buffalo, N. Y.; also between North Tonawanda, N. Y., and Buffalo, N. Y. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 194, effective December 30, 1918.

No. 7134; December 10, 1918; for Use of Railroad Corporations, Except Corporations Operating Railroads Commonly Called "Interurbans," to which the Jurisdiction of this Commission Extends:

Whereas, The President of the United States, by proclamation dated December 26, 1917, took possession and assumed control and operation of each and every system of transportation owned by railroad corporations operating within the jurisdiction of this Commission, excepting street electric passenger railways and railways commonly called "interurbans"; and it appearing that the President, through the Director General, United States Railroad Administration, did from time to time during period of federal control initiate and prescribe freight rates, passenger fares, and baggage charges to be applied to New York state traffic; and

Whereas, It further appearing that a number of railroads owned by railroad corporations operating within this Commission's jurisdiction have been relinquished from federal control at some date prior to October 10, 1918; and

Whereas, The duty is laid upon common carrier railroad corporations operating within the jurisdiction of this Commission to file with it copies of their schedules of rates, fares, and charges before assessing the same for the transportation of passengers and property between points within this State, and as the schedules issued by the United States Railroad Administration may not be applied by carriers after relinquishment from federal control unless the same are published, posted, and filed with this Commission in accordance with the provisions of the Public Service Commissions Law and the regulations of this Commission established thereunder; it is

Ordered: 1. That carriers to which this special permission applies, upon receipt of notification of relinquishment from federal control, shall immediately file with this Commission a copy of such notice, and if any carriers have been relinquished from such control prior to the date of this special permission such carriers upon receipt of this special permission shall immediately comply with the foregoing.

2. That carriers which have been under federal control and have been relinquished therefrom, after complying with the foregoing, may, if they desire so to do, temporarily apply to New York state traffic the rates, fares, and charges which were applicable to such traffic during period of federal control and which were contained in tariffs filed with the Interstate Commerce Commission, copies of which were sent to this Commission for its information, by the issuance of a special form adoption notice hereinafter prescribed.

3. That carriers after complying with the above "Ordered 1," and desiring to avail themselves of the above "Ordered 2," be and they are hereby authorized to publish, post, and file with this Commission, effective upon the date of filing with the Commission, a special form of adoption notice, as follows:

(Title-page)
P. S. C.-2 N. Y.-No.
or
Supplement No.
to
P. S. C.-2 N. Y.-No.
as shown herein
SPECIAL ADOPTION NOTICE
issued by
.....
(Name of carrier)

The (name of carrier) hereby adopts and makes its own in every respect as if the same had been originally filed by it with the Public Service Commission, Second District, State of New York, the tariffs and supplements to tariffs having application to New York state traffic which were filed with the Interstate Commerce Commission during period of federal control, copies of which were sent to the Public Service Commission, Second District, State of New York, for its information, as herein designated on page — (or pages — to —).

EFFECTIVE, 19....

This form of tariff is permitted by authority of the Public Service Commission, Second District, State of New York, Special Permission No. 7134, of date December 10, 1918.

The Commission does not hereby approve any rates, fares, or charges that may be adopted hereby, all such rates, fares, or charges being subject to protest, suspension, complaint, investigation, and correction if in conflict with any provisions of the laws of the State of New York.

Issued by
(Name, title, and address of issuing officer)

(On the other pages list the tariffs or supplements to tariffs which are adopted by the special adoption notice as follows:

Interstate Commerce Commission filing		Apply thereto the following P. S. C.-2 N. Y.- tariff or supplement Nos.	
<i>Tariff No.</i>	<i>Supplement No.</i>	<i>Tariff No.</i>	<i>Supplement No.</i>

4. That carriers shall file one copy of such special adoption notice for each tariff or supplement to tariff adopted thereby.

5. That nothing herein shall prevent carriers from publishing, posting, and filing tariffs in the regular manner if they desire so to do, and any such tariffs may be published, posted, and filed with the Commission effective upon the date of filing with the Commission.

6. That to permit the filing of said special adoption notices, the rules and regulations of this Commission in its Circular No. 68, which would in anywise operate to prevent the filing of such adoption notice, be and they are hereby temporarily waived as to the issuance of said adoption notice.

7. That no special adoption notice issued in the form herein authorized to be filed shall at any time be reissued in like form unless authorized by special permission of the Commission, and as soon as may be practicable all tariffs or supplements to tariffs adopted by such special adoption notice shall be reissued and brought into conformity with the provisions of the Public Service Commissions Law and the requirements of this Commission's published rules and regulations established thereunder in Circular No. 68.

8. That this special permission is void if schedules issued hereunder are not filed with the Commission within fifteen days subsequent to the date copy of notice of relinquishment from federal control is filed with the Commission.

No. 7135; December 17, 1918; Delaware and Northern Railroad Company:

Ordered: That under its application therefor dated December 16, 1918, the Delaware and Northern Railroad Company be and it is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff of car demurrage rules canceling its tariff P. S. C., 2 N. Y., No. 192, and reissuing without change the matter contained therein except in so far as may be necessary to provide

such rules and charges to apply to freight traffic subject to this Commission's jurisdiction, in conformity with the order of the Interstate Commerce Commission of date July 31, 1918, in Docket No. 4906. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by P. S. C. No. 262, effective December 26, 1918.

No. 7136; December 19, 1918; New York State Railways, Utica Lines:

Ordered: That under its application therefor dated December 18, 1918, the New York State Railways, Utica Lines, be and it is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not later than December 27, 1918, a supplement to its passenger tariff P. S. C., 2 N. Y., No. U-19, which supplement shall cancel supplement No. 1 to said tariff, and provide therein for changing the title-page of tariff to read: "Effective January 22, 1919, except as otherwise specified herein." "The fares herein which are increased from five to six cents will be effective December 2, 1918, under authority as stated herein." "Issued on five (5) days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date November 26, 1918, in case No. 6090." The supplement to be issued hereunder shall also provide for the cancellation of the entire tariff effective January 22, 1919, and refer to tariff P. S. C., 2 N. Y., No. U-20, for fares, regulations, and charges which will thereafter apply. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 2 to P. S. C. No. U-19, filed December 23, 1918.

No. 7137; December 23, 1918; Syracuse Northern Electric Railway, Inc.

Ordered: That under its application therefor dated December 21, 1918, the Syracuse Northern Electric Railway, Inc., be and it is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a local freight tariff of commodity rates on Ice, carloads, when loaded on flat cars, minimum and maximum weight 30,000 pounds, and provide therein a rate of sixty cents per 2000 pounds to apply in both directions between South Bay, N. Y., and North Syracuse, N. Y. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by P. S. C. No. 3, effective December 31, 1918.

No. 7138; December 23, 1918; Syracuse Northern Electric Railway, Inc.

Ordered: That under its application therefor dated December 21, 1918, the Syracuse Northern Electric Railway, Inc., be and it is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its local passenger tariff P. S. C., 2 N. Y., No. 2, and provide therein rates for school commutation tickets as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 2, effective December 31, 1918.

No. 7139; December 31, 1918; Glenfield and Western Railroad Company:

Ordered: That under its application therefor dated December 30, 1918, the Glenfield and Western Railroad Company be and it is hereby authorized

to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its local freight tariff P. S. C., 2 N. Y., No. 4, providing therein for the cancellation of said tariff and referring for future rates to freight tariff P. S. C., 2 N. Y., No. 6. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of tariff publications except as to the notice to be given.

No. El.-54; December 14, 1918; Syracuse Lighting Company:

Ordered: That under its application therefor dated December 13, 1918, the Syracuse Lighting Company be and it is hereby authorized to file, on not less than five days' notice to the public and the Commission and under an effective date of January 1, 1919, an amendment to its general schedule for electricity P. S. C., 2 N. Y., No. 1, establishing a service classification to apply to sign and outline lighting service as per exhibit attached to said application, which exhibit is hereby made a part of this permission, such amendment to be issued as second revised leaf No. 10, superseding first revised leaf No. 10. This authority does not waive any of the provisions of the Public Service Commissions Law, nor any of the requirements of the Commission's published rules established thereunder relative to the construction and filing of rate schedules except as to the notice to be given.

APPENDIX H

MATTER OF REPARATION, ETC., 1918.

The Commission is advised that an appeal from the decision of the Appellate Division of the Supreme Court, First Department, in the matter of *Murphy v. N. Y. C. R. R. Co.*, 170 App. Div. 788, was submitted to the Court of Appeals December 10, 1918, but at this writing decision thereon has not been announced by the Court. As stated in its reports for 1916 and 1917, the Appellate Division in the matter referred to decided that the Commission has no power to adjudge that carriers shall refund past charges, because of the fact that the Public Service Commissions Law contains no provision similar to section 16 of the Federal Act to Regulate Commerce which gives the Interstate Commerce Commission authority to determine that a complainant is entitled to an award of damages. It has been the practice of the Commission since the decision of the Appellate Division not to make determinations or orders in reparation cases, so called, but upon the voluntary submission to the Commission by carriers of proposals for reparation to shippers or consignees, and when the reasons therefor have appeared good and sufficient, the Commission has considered it a proper exercise of discretion to advise the carrier that reparation, if made by it, would not be disapproved by the Commission. In cases where the reasons advanced are considered by the Commission insufficient to justify the proposal, advice to that effect is transmitted to the carrier.

Following is a digest of such matters affirmatively passed upon by the Commission during the calendar year 1918:

January 3, 1918

C. C. No. A 3676: Scottsville Sand & Gravel Company, complainant, *v.* Buffalo, Rochester and Pittsburgh Railway Company and The New York Central Railroad Company, respondents. Refund of \$30.30 on two carloads of sand from Scottsville to Kodak Park Switch, Rochester. Excessive rate.

January 17, 1918

C. C. No. A 4311: Hudson Valley Club Car Association, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$345.56, and adjustment of outstanding charge of \$500 involved in Club Car service furnished during the period from January 1 to December 31, 1917, in connection with transportation on trains between Poughkeepsie and New York city. Excessive minimum charges.

C. C. No. A 4739: Lathrop, Shea & Henwood Co., complainant, *v.* The New York Central Railroad Company, respondent. Adjustment of outstanding charge of \$35.17 on two carloads of curbstone from Eagle Harbor to Louisiana Street station, Buffalo. Excessive rate.

C. C. No. A 4740: Erie Contracting Company, complainant, *v.* The New York Central Railroad Company, respondent. Adjustment of outstanding charge of \$25.96 on one carload of curbstone from Albion to Louisiana Street station, Buffalo. Excessive rate.

C. C. No. A 4820: McPadden Brothers, complainants, *v.* Lehigh Valley Railroad Company, respondent. Refund of \$216.55 and adjustment of outstanding charge of \$149.92 on fourteen carloads of rough stone from Rochester to Geneva. Excessive rate.

C. C. No. A 4911: Albany Sand and Supply Company, complainant, *v.* The Delaware and Hudson Company and Erie Railroad Company, respondents. Refund of \$14.13 and adjustment of outstanding charge of \$7.79 on one carload of moulding sand from Mechanicville via Binghamton to Friendship. Violation of long and short haul clause.

C. C. No. A 5077: Commuters on Putnam division, complainants, *v.* The New York Central Railroad Company, respondent. Reimbursement of fares paid by commuters to Interborough Rapid Transit Company during the period from January 6 to and including January 31, 1918, for transportation between its 155th Street station and Sedgwick Avenue station on Putnam division of respondent, in completion of transportation contemplated by commutation tickets sold for use on the Putnam division during January, 1918, and because of cessation of operation of passenger trains on Putnam division between Sedgwick Avenue station and the 155th Street station formerly used as the terminus of passenger train operation on said division.

January 25, 1918

C. C. No. A 4960: Pearl City Veneer Company, complainant, *v.* Erie Railroad Company, respondent. Refund of \$207.94 on ten carloads of logs from Forestville to Falconer. Violation of long and short haul clause.

C. C. No. A 5013: Welch Construction Company, complainant, *v.* The New York Central Railroad Company and Lehigh Valley Railroad Company, respondents. Adjustment of outstanding charge of \$103.03 on eight carloads of piles from Vienna via Canastota to Syracuse. Excessive rate.

C. C. No. A 5014: The H. H. Franklin Manufacturing Company, complainant, *v.* The New York Central Railroad Company and Lehigh Valley Railroad Company, respondents. Adjustment of outstanding charge of \$17.74 on two carloads of piles from Vienna via Canastota to Syracuse. Excessive rate.

January 31, 1918

C. C. No. A 4948: Central Clay Products Company, Inc., complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$13 on one mixed carload of drain tile and hollow brick and one carload of drain tile from Beach Ridge to Gouverneur. Excessive rate.

C. C. No. A 4969: Emanuel Gilbert, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$169.63 on twelve carloads of building stone from Eagle Harbor to Dunkirk. Long and short haul principle involved.

C. C. No. A 4976: Slawson & Goff, complainants, *v.* Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, and Erie Railroad Company, respondents. Refund of \$28.56 on two carloads of lumber from Birdsall via Friendship to Falconer. Violation of long and short haul clause.

C. C. No. A 5082: William Crawford, complainant, *v.* The New York Central Railroad Company and The Delaware and Hudson Company, respondents. Refund of \$285.36 on six carloads of cinders from Rensselaer via Troy to Cambridge. Excessive rate.

606 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

February 26, 1918

C. C. No. A 4382: Cary Brick Company, complainant, *v.* The New York Central Railroad Company, respondent. Adjustment of outstanding charge of \$73.27 on thirteen carloads of cordwood from Karner to Cohoes. Excessive rate.

C. C. No. A 4383: H. D. Ackerly, complainant, *v.* The New York Central Railroad Company, respondent. Adjustment of outstanding charge of \$37.58 on eight carloads of cordwood from Karner to Cohoes. Excessive rate.

C. C. No. A 4685: Wayne Lumber Company, complainant, *v.* The Delaware and Hudson Company and The New York Central Railroad Company, respondents. Refund of \$20.07 on one carload of lumber from North Creek via Troy to Rensselaer. Violation of long and short haul clause.

March 5, 1918

C. C. No. A 5086: Corrigan-McKinney & Company, complainants, *v.* The New York Central Railroad Company and The Delaware and Hudson Company, respondents. Refund of \$147.06 on three carloads of pig iron from Charlotte via Schenectady to Waterford. Excessive rate.

C. C. No. A 5130: George W. Sisson, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$90.09 on three carloads of sand from Ogdensburg to Potsdam. Excessive rate.

C. C. No. A 5131: Racquette River Paper Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$56.40 on two carloads of sand from Ogdensburg to Potsdam. Excessive rate.

C. C. No. A 5145: Forrest Dassance, complainant, *v.* Buffalo, Rochester and Pittsburgh Railway Company and The Delaware, Lackawanna and Western Railroad Company, respondents. Refund of \$1.08 of fares paid for transportation of three passengers from Perry via D., L. & W. Junction to Linwood. Joint through ticket fare in excess of combination of local ticket fares.

March 12, 1918

C. C. No. A 4965: Genesee Furnace Company, complainant, *v.* New York, Ontario and Western Railway Company and The New York Central Railroad Company, respondents. Refund of \$262.02 on thirteen carloads of fluxing stone from Munns via Oneida to Charlotte. Excessive rate.

C. C. No. A 5132: Brown's Tract Lumber Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$769.60 on thirty-two carloads of logs from Horseshoe to Fulton Chain. Violation of long and short haul clause.

March 19, 1918

C. C. No. A 4516: Orange and Rockland Electric Company, complainant, *v.* Erie Railroad Company, respondent. Refund of \$59.62 on nine carloads of concrete blocks from Enderlin to Monroe. Violation of long and short haul clause.

C. C. No. A 5133: Atlas Powder Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$1.76 on one less than carload shipment of high explosives from East Syracuse to Salisbury Center. Excessive rate.

C. C. No. A 5202: Brooklyn Cooperage Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$46.26 on three carloads of logs from Keepawa to Tupper Lake Junction. Violation of long and short haul clause.

April 4, 1918

C. C. No. A 5200: Island Slag Company, Inc., complainant, *v.* The Delaware, Lackawanna and Western Railroad Company and Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, respondents. Refund of \$124.66 on three carloads of slag from Harriet via Wayland to Moraine and Hornell. Excessive rate.

April 17, 1918

C. C. No. A 5252: Hinckley Fibre Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$76.04 on three carloads of pulpwood from Dolgeville to Hinckley. Violation of long and short haul clause.

May 2, 1918

C. C. No. A 5258: New York State Conservation Commission, complainant, *v.* The Delaware and Hudson Company and The New York Central Railroad Company, respondents. Refund of \$31.11 on one carload of mineral water from Saratoga Springs via Troy to Westchester Avenue station, New York city. Excessive rate.

May 14, 1918

C. C. No. A 5297: Consolidated Brick Company, complainant, *v.* Lehigh Valley Railroad Company and The Delaware, Lackawanna and Western Railroad Company, respondents. Refund of \$30.56 on one carload of brick from Horseheads via Cortland to Homer. Joint through rate in excess of combination of local rates.

C. C. No. A 5353: Racquette River Paper Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$136.36 on three carloads of crushed stone from Little Falls to Potsdam. Excessive rate.

C. C. No. A 5369: Utica Heater Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$61.83 on six carloads of fireclay from Utica to Whitesboro. Excessive rate.

May 23, 1918

C. C. No. A 5197: Globe Elevator Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$42.20 on fourteen carloads of feed and middlings from East Buffalo to Rochester and East Rochester. Violation of long and short haul clause.

C. C. No. A 5311: Buffalo Union Furnace Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$476.03 on sixteen carloads of mill cinder from Rome to Troy. Violation of long and short haul clause.

C. C. No. A 5341: The Helderberg Cement Company, complainant, *v.* The Delaware and Hudson Company; New York, Ontario and Western Railway

Company; and Unadilla Valley Railway Company, respondents. Refund of \$12.82 on one carload of Portland cement from Howes Cave via Sidney and New Berlin to Leonardsville. Excessive rate.

C. C. No. A 5378: Bordens Farm Produce Company, complainant, v. The New York Central Railroad Company, respondent. Refund of \$8.33 on fourteen less than carload shipments of fluid milk, in forty-quart cans, from Mahopac to Melrose Junction. Excessive rate.

C. C. No. A 5386: John Meehan & Son, complainants, v. Erie Railroad Company, respondent. Refund of \$88.87 on five carloads of manure from Goshen to Sterlington. Violation of long and short haul clause.

May 28, 1918

C. C. No. A 4388: F. E. Conley Stone Company, complainant, v. Lehigh Valley Railroad Company and The New York Central Railroad Company, respondents. Refund of \$8.40 on one carload of scrap iron from Blakeslee via Canastota to Utica. Joint through rate in excess of sum of local rates.

June 13, 1918

C. C. No. A 5214: J. E. Shields, complainant, v. The New York Central Railroad Company, respondent. Payment of \$1.55 in settlement of claim for cartage charge imposed upon complainant due to misrouteing of less than carload shipment of apples and potatoes from Salem to Brooklyn.

July 2, 1918

C. C. No. A 5236: Hires Condensed Milk Company, complainant, v. The Delaware, Lackawanna and Western Railroad Company, respondent. Refund of \$430.99 on twenty-six carloads of brick, cement, and lumber from respondent's connection with the railroad of The Delaware and Hudson Company in Binghamton to complainant's plant, a short distance outside of respondent's yard limit in said city. Excessive rate.

C. C. No. A 5414: R. T. Jones Lumber Company, complainant, v. The New York Central Railroad Company and The Delaware, Lackawanna and Western Railroad Company, respondents. Refund of \$8.53 on one carload of lumber from North Tonawanda via Syracuse to Preble. Violation of long and short haul clause.

July 11, 1918

C. C. No. A 5382: Empire Foundry Company, complainant, v. The New York Central Railroad Company and Lehigh Valley Railroad Company, respondents. Refund of \$82.88 on three carloads of scrap iron from Schenectady via Canastota to Elmira. Excessive rate.

July 16, 1918

C. C. No. A 5514: New York State Conservation Commission, complainant, v. The Delaware and Hudson Company and The New York Central Railroad Company, respondents. Refund of \$53.40 on three carloads of mineral water from Saratoga Springs via Troy to Westchester Avenue station, New York city. Excessive rate.

July 25, 1918

C. C. No. A 5525: The Willys-Morrow Company, Inc., complainant, *v.* The New York Central Railroad Company and The Pennsylvania Railroad Company, respondents. Refund of 23 cents on one less than carload shipment of iron pipe fittings from Ravena via Newark, N. Y., to Elmira. Excessive rate.

C. C. No. A 5533: Meigs Pulpwood Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$549.40 on five carloads of pulpwood from Lake Clear Junction to Tupper Lake Junction, and ten carloads of pulpwood from Gabriels to Tupper Lake Junction. Violation of long and short haul clause.

August 1, 1918

C. C. No. A 4697: Almion Engineering and Contracting Company, Inc., complainant, *v.* The New York Central Railroad Company and Lehigh Valley Railroad Company, respondents. Refund of \$57.15 of charges collected, and adjustment of outstanding charge of \$193.85, on four carloads of sand from Oaks Corners via Geneva to Yale. Joint through rate in excess of combination of local rates.

C. C. No. A 5309: Babcock & Webster, complainants, *v.* The Delaware and Hudson Company, respondent. Refund of \$43.70 on twenty-five carloads of hay and straw to Albany, Green Island, and Troy from various points on respondent's railroad. Excessive rates.

C. C. No. A 5366: J. Rice & Sons, complainants, *v.* The New York Central Railroad Company, respondent. Refund of \$23.15 on one carload of bar iron from Auburn to Rondout. Violation of long and short haul clause.

August 13, 1918

C. C. No. A 5220: The Birkett Mills, complainant, *v.* Erie Railroad Company and The New York Central Railroad Company, respondents. Refund of \$33.53 on one carload of buckwheat from Cohocton via Corning to Penn Yan. Excessive rate.

August 29, 1918

C. C. No. A 5199: The Lehigh and Hudson River Railway Company, complainant, *v.* Erie Railroad Company, respondent. Refund of \$401.31 on twenty-two carloads of sand from Otisville to Greycourt. Excessive rate.

October 1, 1918

C. C. No. A 2910: Warren Brothers Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$230.10 on eighteen carloads of paving stone from Hammond: one carload to South Little Falls and seventeen carloads to Little Falls. Excessive rate.

C. C. No. A 3891: George D. McCall, complainant, *v.* The Delaware, Lackawanna and Western Railroad Company and Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, respondents. Refund of \$3 on one carload of cattle and calves from Friendship via Wayland to B. R. & P. Junction. Violation of long and short haul clause.

C. C. No. A 5477: International Paper Company, complainant, *v.* The Delaware and Hudson Company, Rutland Railroad Company, and The New York Central Railroad Company, respondents. Refund of \$81.29 on six carloads of wood pulp from Cadyville via Rouses Point and Norwood to Brownville. Excessive rate.

October 29, 1918

C. C. No. A 5424: Wayne Lumber Company, complainant, *v.* Rutland Railroad Company and The New York Central Railroad Company, respondents. Adjustment of outstanding charge of \$9.13 on one carload of lumber from Chateaugay via Malone to Onchiota. Joint through rate in excess of combination of local rates.

November 26, 1918

C. C. No. A 5590: Remington Paper and Power Company, complainant, *v.* The New York Central Railroad Company and Norwood and Saint Lawrence Railroad Company, respondents. Refund of \$889.50 on twenty-one carloads of pulpwood from Westdale via Norwood to Norfolk. Joint through rate in excess of combination of local rates.

December 5, 1918

C. C. No. A. 5582: Pearl City Veneer Company, complainant, *v.* Erie Railroad Company, respondent. Refund of \$62.50 on four carloads of logs from Smith's Mills to Falconer. Violation of long and short haul clause.

December 12, 1918

C. C. No. A 5320: Syracuse Milling Company, complainant, *v.* The New York Central Railroad Company and Lehigh Valley Railroad Company, respondents. Refund of \$9.20 on one carload of dried brewers grains from Cazenovia via Canastota to Syracuse. Joint through rate in excess of combination of local rates.

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